FINDINGS AND FACTS IN SUPPORT OF FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS PREPARED PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT FOR THE COMPLETE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE LYTLE CREEK RANCH SPECIFIC PLAN PROJECT STATE CLEARINGHOUSE NO. 2009061113

1.0 INTRODUCTION

The Lytle Development Company, El Rancho Verde Golf LLC, and Pharris Sycamore Flats LLC III (Applicant) have filed applications with the City of Rialto ("City") for the development of approximately 2,447.3 acres (Project Site) generally located north of Riverside Avenue between Glen Helen Parkway and North Oakdale Avenue in the City of Rialto and unincorporated San Bernardino County. Development of the Project Site would be governed by the Lytle Creek Ranch Specific Plan (LCRSP or Project). The Project is the development of the Project Site pursuant to the LCRSP.

The City prepared the Lytle Creek Ranch Environmental Impact Report (State Clearinghouse No. 2009061113) in compliance with the California Environmental Quality Act, Cal. Public Resources Code Sections 21000-21177 (CEQA) and the Guidelines for California Environmental Quality Act, 14 Cal. Code of Regs. Sections 15000-15387 (CEQA Guidelines), which addressed the environmental impacts of the LCRSP. On July 13, 2010, the City certified the EIR, adopted the Statement of Overriding Considerations (SOC) and the Findings of Fact, and approved the Mitigation Monitoring and Reporting Program (MMRP) for the LCRSP. On July 27, 2010, the City Council approved Ordinance Nos. 1468, 1469, 1470, and 1471, which rescinded the El Rancho Verde Specific Plan, approved General Plan Amendment No. 29, approved the Lytle Creek Specific Plan No. 12, and approved the Pre-Annexation Development Agreement No. 170.

On August 26, 2010, Endangered Habitats League, Inc. and Save Lytle Creek Wash filed a Petition for Writ of Mandate and Complaint for Declaratory Relief in the San Bernadino County Superior Court, challenging the City's approval of the Project under CEQA (Case No. CIVDS 1011874, *Endangered Habitats League, et al. v. City of Rialto, et al.*). The Court issued its ruling on September 30, 2011 (the Court Ruling) that found that the City did not comply with CEQA in approving the Project because: (1) the EIR did not provide substantial evidence to support a conclusion that impacts related to greenhouse gas (GHG) emissions would be less than significant; (2) the EIR improperly assessed the Project's traffic impacts; (3) the mitigation measures for seismic hazards and fire protection impacts improperly deferred mitigation; and (4) the EIR analysis of two habitat avoidance alternatives, referred to as HAA 1 and HAA 2, did not contain sufficient evidence to support conclusions regarding the air quality, noise and growth inducement impacts of those alternatives and that the findings regarding the economic infeasibility and the inability to meet Project objectives of those alternatives were not supported by evidence in the record. The Court ordered the City to "set aside all of [the] approvals it made in approving this Project" and "to revise the EIR with respect to the GHG emissions discussion, traffic impact analysis, Mitigation Measures 3.1 to 3.3 and 9.4 to 9.5, and alternatives HAA 1 and HAA 2 and recirculate those portions of the EIR." On October 7, 2011, the Court issued its Writ of Mandate and Judgment, which was limited to the items identified in the Court Ruling.

In response to the Court Ruling, the City adopted a resolution to decertify the EIR and set aside the adoption of the SOC and the Findings of Fact, and the approval of the MMRP on November

22, 2011. On December 27, 2011, the City adopted Ordinance Nos. 1492, 1493, 1494, and 1495 to rescind the previously adopted Ordinance Nos. 1468, 1469, 1470 and 1471, thus setting aside all approvals made by the City in approving the LCRSP.

In accordance with the Court Ruling, the City prepared Recirculated Portions of the Draft Environmental Impact Report (RPDEIR) pursuant to CEQA Guidelines Section 15088.5. As is proper under CEQA, the scope of the RPDEIR is limited to portions of the EIR determined to be inadequate in the Court Ruling. The RPDEIR contains the following clarifications, revisions, or updates to portions and/or sections:

- Revised greenhouse gas (GHG) emissions and climate impacts analysis, which incorporates the analysis in Appendix V-B (Revised Climate Change Technical Report);
- Revised traffic analysis reflecting the opinion in *Sunnyvale West Neighborhood Assn. v. City of Sunnyvale City Council* (2010) 190 Cal.App.4th1352 and incorporating the analysis in Appendix V-C (Addendum to the Traffic Impact Analysis);
- Revised Mitigation Measures 3-1, 3-2, and 3-3, proposed to mitigate the Project's potentially significant seismic impacts to less than significant levels;
- Revised Mitigation Measures 9-4 and 9-5, proposed to mitigate the Project's potentially significant fire protection impacts to less than significant levels; and
- Revised alternatives analysis for Habitat Avoidance Alternative 1 (Avoidance of San Bernadino Kangaroo Rat/Least Bell's Vireo Occupied Habitat, or "HAA 1") and Habitat Avoidance Alternative 2 (Avoidance of Riversidian Alluvial Fan Sage Scrub Areas, or "HAA 2").

The RPDEIR was published on February 17, 2012, and circulated for public comment for a 45-day comment period that ended on April 3, 2012. Following the comment period, the City prepared the Final Recirculated Portions of the EIR (Final RPEIR) for the LCRSP, also in response to the Court Ruling. The Final RPEIR contains corrections and additions to the RPDEIR, copies of comments on the RPDEIR and responses to those comments, and the ENVIRON Technical Memorandum that responds to comments regarding the GHG methodology described in the RPDEIR.

Together, the original Draft EIR (DEIR) for the Project, the original Final EIR (FEIR) for the Project, the RPDEIR, and the Final RPEIR comprise the "Complete Final EIR (FEIR)" for the LCRSP. These findings and facts in support of findings are based on the Complete FEIR, as well as all other information in the record of proceedings on this matter and in the City-certified Administrative Record for Case No. CIVDS 1011874, and are adopted by the City in accordance with the requirements of CEQA and the CEQA Guidelines.

1.1 CEQA Requirements

The California Environmental Quality Act (CEQA), Public Resources Code Section 21081, and the State CEQA Guidelines, 14 Cal. Code of Regs. Section 15091, require that a public agency consider the environmental impacts of a project before a project is approved and make specific findings. CEQA Section 21081 requires:

> *[N]o public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant environmental effects on the environment that would occur if the project is approved or carried out unless both of the following occur:*

(a) The public agency makes one or more of the following findings with respect to each significant effect:

(1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

(2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.

(3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

(b) With respect to significant effects which were subject to a finding under paragraph (3) of subdivision (a), the public agency finds that specific overriding economic, legal, social, technological or other benefits of the project outweigh the significant effects on the environment.

CEQA Guidelines Section 15091(b) states that "The findings required by subsection (a) shall be supported by substantial evidence in the record." CEQA Guidelines Section 15091(c) states that "The finding in subdivision (a) (2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subdivision (a) (3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives."

CEQA Guidelines Section 15091(d) further provides, "When making the findings required in subsection (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures."

CEQA Guidelines Section 15093 further provides:

(a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks in determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable".

(b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.

(c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

Where, as a result of the environmental analysis of the Project and the identification of project design features, compliance with existing laws, codes and statutes, and the identification of feasible mitigation measures, the following potentially significant impacts of the Project have been determined by the City to be reduced to a level of less than significant, the City has found in accordance with CEQA Section 21081(a)(1) and CEQA Guidelines Section 15091(a) (1) that "Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment," which is referred to herein as "***Finding 1***." Where the potential impact can be reduced to less than significant solely through adherence to and implementation of project design features or standard conditions, these measures are considered "incorporated into the project" which mitigate or avoid the potentially significant effect, and in these situations, the City also will make "Finding 1" even though no mitigation measures are required, but will note that the potential impact is less than significant by implementation of project design features and/or compliance with existing laws and regulations.

Where the City has determined pursuant to CEQA Section 21081((a)(2) and CEQA Guidelines Section 15091(a)(2) that "Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency, the City's findings is referred to herein as "***Finding 2***."

Where, as a result of the environmental analysis of the Project, the City has determined that either (1) even with the identification of project design features, compliance with existing laws, codes and statutes, and/or the identification of feasible mitigation measures, potentially significant impacts cannot be reduced to a level of less than significant, or (2) no feasible mitigation measures or alternatives are available to mitigate the potentially significant impact, the City has found in accordance CEQA Section 21081(a)(3) and CEQA Guidelines Section 15091(a)(3) that "Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report," referred to herein as "***Finding 3***."

Having received, reviewed and considered the Complete FEIR for Lytle Creek Ranch Specific Plan, which includes the original DEIR and FEIR, and the RPDEIR and Final RPEIR, EAR 09-19/SCH #2009061113, as well as all other information in the record of proceedings on this matter, the following Findings and Facts in Support of Findings (Findings) and Statement of Overriding Considerations (SOC) are hereby adopted by the City in its capacity as the CEQA Lead Agency.

These Findings set forth the environmental basis for current discretionary actions to be undertaken by the City for the implementation of the Lytle Creek Ranch Project. These actions include the approval of a General Plan Amendment No. **[29]**, rescission of the El Rancho Verde Specific Plan No. 5, adoption of the Lytle Creek Ranch Specific Plan No. **[12]**, and adoption of the Pre-Annexation Development Agreement No. **[170]**.

1.2 Format of Findings

These Findings have been organized into the following sections:

Section 1.0, Introduction. This section provides an introduction to these Findings and to the Project and sets forth the requirements of CEQA for a lead agency to make the following Findings.

Section 2.0, Project Description. This section provides a summary of the Project and overview of the discretionary actions required for implementation of the Project, and a statement of the Project's objectives.

Section 3.0, General Findings. In addition to the specific findings presented herein, this section identifies the general CEQA findings of the Lead Agency

Section 4.0, Findings Regarding the Significant or Potentially Significant Environmental Effects of the Project which cannot Feasibly be Mitigated to Below a Level of Significance. This section sets forth findings regarding the significant or potentially significant environmental impacts of the Project which cannot feasibly be mitigated to a less-than-significant level based on the threshold of significance criteria presented in the Complete FEIR and which will or may result from the implementation of the Project.

Section 5.0, Findings Regarding the Significant or Potentially Significant Environmental Effects of the Project which can Feasibly be Mitigated to Below a Level of Significance. This section sets forth findings regarding significant or potentially significant environmental impacts identified in the Complete FEIR which the County has determined are either not significant or can feasibly be mitigated to a less than significant level through the imposition of project design features, standard conditions, and/or mitigation measures. In order to ensure compliance and implementation, all of these measures will be included in the Mitigation Monitoring and Reporting Program (MMRP) for the Project. Where potentially significant impacts can be reduced to less than significant levels through adherence to project design features and standard conditions, these findings specify how those impacts were reduced to an acceptable level.

Section 6.0, Findings Regarding Alternatives. This section provides findings regarding those alternatives to the Project which were examined in the Complete FEIR and which were considered by the advisory and decision-making bodies of the City as part of their deliberations concerning the Project but which were not selected by the City of Rialto City Council (City Council) for approval.

Section 7.0, Statement of Overriding Considerations. This section contains the Lead Agency's "Statement of Overriding Considerations" (SOC) setting forth each of the City's separate and independent reasons for finding that specific economic, legal, social, technological, and other considerations associated with or attributable to the Project outweigh the Project's potentially significant unavoidable adverse environmental effects.

1.3 Record of Proceedings

For purposes of CEQA and these Findings, the record of proceedings for the City's Findings and determinations include, but are not limited to the following documents which were considered by the City prior to taking action on the Project, and adopting these Findings.

(1) "Notice of Preparation" (NOP), "Notice of Completion" (NOC) for the original DEIR, "Notice of Availability" (NOA) for the original DEIR, NOA for the RPDEIR, NOC for the RPDEIR, and all other public notices issued by the City in conjunction with this CEQA process;

(2) "Draft Environmental Impact Report – Lytle Creek Ranch Specific Plan, State Clearinghouse No. 2009061113" (original DEIR), including all technical appendices and all documents incorporated by reference therein, corrections and additions thereto, and all written comments submitted by public agencies and by members of the public during the public review periods established by the NOP;

(3) "Response to Comments on the Draft Environmental Impact Report – Lytle Creek Ranch Specific Plan, State Clearinghouse No. 2009061113" (original FEIR), including corrections and additions to the DEIR, all written comments submitted by public agencies and by members of the public during the public review periods established by the NOP, NOC for the original DEIR, and NOA for the original DEIR, all responses to those comments provided therein, and all technical appendices and documents incorporated by reference therein;

(4) September 13, 2011 Court Ruling issued by the San Bernadino County Superior Court in Case No. CIVDS 1011874, *Endangered Habitats League, et al. v. City of Rialto, et al.*

(5) "Recirculated Portions of the Draft Environmental Impact Report – Lytle Creek Ranch Specific Plan, State Clearinghouse No. 2009061113" (RPDEIR), including all technical appendices and all documents incorporated by reference therein;

(6) "Final Recirculated Portions of the Environmental Impact Report – Lytle Creek Specific Plan, State Clearinghouse No. 2009061113" (Final RPEIR), including all technical appendices and all documents incorporated by reference therein, and all written comments submitted by agencies and by members of the public during the review periods established by the NORA and responses thereto;

(7) Other site-specific and/or Project-specific technical studies and exhibits not included in the Complete FEIR but explicitly referenced therein;

(8) All written and verbal public testimony presented during public hearings for the Project at which public testimony was taken, specifically the June 2, 2010 Planning Commission hearing and the June 22, 2010 City Council hearing;, the May 9, 2012 Planning Commission hearing on the Complete FEIR, the June __, 2012 hearing on the Complete FEIR and the July __, 2012 hearing on the Complete FEIR.

(9) All information submitted to the City by the Applicant and its representatives relating to the Project and/or the Complete FEIR;

(10) All agendas, staff reports, and approved minutes of the City's Planning Commission and City Council relating to the Project;

(11) All maps, exhibits, figures, and text comprising the LCRSP; and

(12) All other public reports, documents, studies, memoranda, maps, or other planning documents relating to the Project, the original DEIR, the original FEIR, the RPDEIR, the Final RPEIR, or the Complete FEIR, prepared by the City, consultants to the City, or responsible or trustee agencies.

1.4 Custodian and Location of Records

The following information is provided in compliance with Section 21081.6(a) (2) of CEQA and Section 15091(e) of the State CEQA Guidelines.

The documents and other materials constituting the administrative record for the City Council's actions related to the Complete FEIR are located at the City of Rialto, Development Services Department, Planning Division, 150 South Palm Avenue, Rialto, California 92376. The Development Services Director is the custodian of the administrative record for the Project. During the regular business hours of the City, copies of the documents constituting the Complete FEIR's and the LCRSP's record of proceedings are available upon request at the offices of the Development Services Department.

2.0 PROJECT DESCRIPTION

2.1 Project Location

The Project Site is located, in part, in unincorporated San Bernardino County (County) and, in part, within the City of Rialto (City or Lead Agency). The Project Site can be generally described as being located to the southwest of the unincorporated community of Devore, to the west of the City of San Bernardino, to the south of the San Bernardino National Forest (SBNF or National Forest), to the east of the City of Fontana, and to the north of confluence of Cajon and Lytle Creeks. The northeastern corner of the Project Site borders Glen Helen Regional Park (GHRP) and portions of the Project site abut the National Forest.

The Project Site includes certain acreage that was previously entitled by the County as part of the "Lytle Creek North Planned Development Project" (LCNPD or Lytle Creek North) and the "Glen Helen Specific Plan" (GHSP). The Project Site also includes certain lands that were previously entitled by the City as part of the "El Rancho Verde Specific Plan" (ERVSP). As proposed, those geographic areas that lie within the boundaries of the proposed "Lytle Creek Ranch Specific Plan" (LCRSP) that fall within those jurisdictional areas would be removed from the boundaries of those respective planning areas and would be included in the larger geographic area defined and governed by the provisions of the LCRSP.

The Project Site is situated at the base of the San Gabriel and San Bernardino Mountains, abutting and proximal to the mouth of Lytle Creek Canyon. Three of the Project's proposed neighborhoods (Neighborhoods II, III, and IV) are bordered on the east by the main channel of Lytle Creek (also referred to as Lytle Creek Wash).

Two of the Project's proposed neighborhoods (Neighborhoods I and IV) are bordered on the north by the SBNF. The Interstate 15 (I-15 or Ontario) Freeway serves as the primary source of regional access to the subject property, slicing through the LCRSP along a generally northeast to southwest orientation. The I-15 Freeway traverses and physically divides one of the Project's neighborhoods (Neighborhood I), such that a portion of that neighborhood in located on the north side and a portion is located on the south side of that roadway. The I-15 Freeway also forms a border or edge for two other neighborhoods (Neighborhoods III and IV). From the I-15 Freeway, the Project area can be accessed from Devore Road/Glen Helen Parkway on the north and Sierra Avenue on the south. Sierra Avenue transitions to Lytle Creek Road to the north of the Ontario Freeway. South of the I-15 Freeway, Sierra Avenue intersects with Riverside Avenue. Sierra and Riverside Avenues form the westerly boundary of the Project site.

2.2 Project Description

The Project is the adoption and subsequent implementation of the LCRSP, including associated entitlements, authorizing the construction, use, occupancy, and habitation of up to 8,407 dwelling units, 849,420 square feet of commercial, office, light industrial, manufacturing and distribution uses; open space and conservation areas; public and private recreational facilities; school sites; and associated public improvements and infrastructure facilities. The Project further includes the construction of a revetment along the southern bank of Lytle Creek, spanning a distance of approximately seven miles. In addition to the on-site revetment, the Project will also construct approximately 2,000 linear feet of levee improvements to an existing levee located on adjoining property.

The LCRSP sets forth the distribution, location, extent, and intensity of the uses of land, including open space, and establish design guidelines to govern future development. In addition, the LCRSP establishes overlay zoning in certain planning areas in accordance with the provisions of the specific plan's development standards.

The LCRSP planning area totals approximately 2,447.3 acres. The majority of the Project Site is under the jurisdiction of the County's and the City's Sphere of Influence. The Project includes the annexation of the unincorporated area into the City. The Project also includes an additional approximately 19.9 acres which would not be subject to the LCRSP but is nonetheless addressed in the Project's environmental documentation as off-site improvements may be constructed there. Infrastructure improvements, associated directly or indirectly with the Project's implementation, are anticipated at a number of additional areas located beyond the boundaries of the LCRSP. These improvements constitute master planned facilities, including water and wastewater facilities and street improvements, that have been identified by the City and/or by other governmental entities, will be implemented by those entities or by others and are not expressly initiated by the Project proponent or predicated solely by the Project, and for which the Project proponent bears only a fee payment or fair-share obligation.

2.3 Discretionary Actions

Discretionary approvals required from the City include, but may not be limited to: (1) amendments to the City of Rialto General Plan; (2) rescission of the El Rancho Verde Specific Plan; (3) adoption of the LCRSP; and (4) approval of a pre-annexation statutory development agreement with the Project proponent that will become a development agreement upon annexation.

2.4 Project Objectives

2.4.1 Lead Agency's Objectives

As more thoroughly described in the Complete FEIR, which consists of the original DEIR and FEIR and the RPDEIR and Final RPEIR, both the City and Applicant have established specific objectives concerning the Project and/or the Project site.

It is the objective of the City to promote and facilitate the attainment of those goals, objectives, plans, and policies as contained in the then existing "City of Rialto General Plan" (City General Plan). Specifically, those objectives include, but are not limited to, the following:

GP-1 Encourage annexation which will demonstrate net benefit to the City (Land Use Element, Goal 4.1.1);[1]

GP-2 Demonstrate compatibility of land uses both within and adjacent to the planning area (Land Use Element, Policy 4.1.1.4);[2]

GP-3 Demonstrate protection of all resources valued by the citizens of Rialto, including, but not limited to, views, trees and other landscaping features, aquifers, surface water courses, and historic buildings (Land Use Element, Policy 4.1.1.5);[3] and

GP-4 Ensure that development is adequately served with essential public services and infrastructure including, but not limited to, streets, water, surface drainage, sanitary sewers, law enforcement, fire protection, and public schools (Land Use Element, Goal 4.1.7).[4]

Although not specifically tied to any single City General Plan goal or policy, based on the City General Plan's broad intent and the application of that intent to the Project site, the following additional Project-specific objectives have been formulated by the Lead Agency:

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[1] Objective GP-1 corresponds to Land Use Element Goal 4.1.1 of the of the City of Rialto 1992 General Plan, which was in effect at the time the EIR was prepared. Although the wording varies slightly, GP-1 similarly corresponds to Land Use Element Goal 2-7 of the City's 2010 General Plan, which is now in effect.

[2] Objective GP-2 corresponds to Land Use Element Policy 4.1.1.4 of the of the City of Rialto 1992 General Plan, which was in effect at the time the EIR was prepared. Although a similar goal or policy is not provided in the City's 2010 General Plan now in effect, GP-2 pertains to general land use compatibility issues, which are addressed in a manner more specific to sensitive land uses in the current Land Use Element Goal 2-9.

[3] Objective GP-3 corresponds to Land Use Element Policy 4.1.1.5 of the of the City of Rialto 1992 General Plan, which was in effect at the time the EIR was prepared. Although a comparable single goal or policy is not provided in the City's 2010 General Plan now in effect, GP-3 touches on issues addressed in the current Land Use Element Goals 2-14, 2-28, and 2-39, as well as Land Use Element Policy 2-18.2.

[4] Objective GP-4 corresponds to Land Use Element Goal 4.1.7 of the of the City of Rialto 1992 General Plan, which was in effect at the time the EIR was prepared. Although a similar goal or policy is not provided in the City's 2010 General Plan now in effect, implementation of the current Land Use Element Policy 2-7.3 would yield the same general results as GP-4 in terms of the provision of adequate public services and facilities.

LA-1 Accommodate development activities both within the City of Rialto and its Sphere of Influence that further the overall intent of the City General Plan;

LA-2 Protect and enhance residential neighborhoods, commercial districts, and other areas by encouraging physical development that is of high quality and is compatible with the character, scale, and function of surrounding areas;

LA-3 Provide for and encourage development that contains a compatible mix of residential and nonresidential uses within close proximity to each other;

LA-4 Respond to local and regional needs for additional housing opportunities in response to anticipated areawide population growth;

LA-5 Unless identified hazards can be effectively reduced, restrict or otherwise limit future develop in those areas containing identified public safety hazards;

LA-6 Provide for and/or facilitate the introduction and expansion of economic opportunities and benefits for the City and its residents;

LA-7 Reduce, to the extent feasible, adverse impacts to City and County services, service providers, and systems resulting from permitted development;

LA-8 Ensure that man and nature can effectively coexist;

LA-9 Ensure that sufficient sewer capacity and other requisite services and systems are available to accommodate projected demand; and

LA-10 Private development activities should be deemed by the City to be fiscally prudent.

2.4.2 Applicant's Objectives

The Applicant has formulated the following Project-specific objectives:

A-1 Build upon the platform of high-quality design, architecture, and landscaping established by neighboring residential communities to provide a northern gateway to the City of Rialto that offers new and exciting amenities to residents;

A-2 Establish a conservation-based community through the creation of open space preservation areas that will provide functioning habitats for sensitive, threatened, and endangered species, preserve Lytle Creek and minimize impacts to its riparian and alluvial fan sage scrub habitats, while providing other wildlife benefits;

A-3 Locate and integrate the design of open space areas with significant blocks of native habitat and natural vegetation landscaping through the provision of habitat linkages and wildlife movement corridors in the region;

A-4 Maximize opportunities for using native plant material/species in the Project landscaping, especially in areas where such landscaping is located in proximity to areas of preserved native habitat;

A-5 Develop freeway-oriented commercial areas to serve regional needs and stimulate job and revenue growth in the City;

A-6 Concentrate development within neighborhoods to promote greater efficiency of land use and promote walking and bicycling by providing a network off pleasant, safe, and convenient pedestrian trails and bike lanes;

A-7 Respond to the unmet need for active-adult communities in the Rialto area by providing residents with a golf course-oriented community and a variety of conveniently located on-site amenities;

A-8 Provide the City and surrounding community with a redesigned public golf course and clubhouse, recreation and open space areas, parks, and trails to meet the City General Plan goals to provide such facilities to maintain and enhance the City's quality of life;

A-9 Address the City's current and projected housing needs for all segments of the community by providing a range of family-oriented single- and multi-family residences, as well as an active-adult golf course community;

A-10 Establish a mix of land uses and local-serving activities that meet the City General Plan's objectives concerning community character and pedestrian-friendly design;

A-11 Implement the City General Plan's Land Use Element goal to facilitate annexation of large areas of land that are governed by a specific plan, which provides for compatibility of land uses, fiscal balance, recreation, and resource protection;

A-12 Create a transportation network that will fulfill the policies of the City General Plan's Circulation Element by allowing residents to live within proximity to schools, recreational opportunities, retail centers, and commercial development, and by minimizing vehicle trips utilizing access to a variety of transportation opportunities, including pedestrian pathways, bikeways, regional freeways, transit, and Metrolink;

A-13 Address regional infrastructure concerns by locating development in areas where opportunities for ground water recharge are maintained and the life of ground water aquifers are protected;

A-14 Incorporate "green" and sustainable practices, as practicable, in developing buildings and infrastructure;

A-15 Identify and address safety hazards, such as wildfire and flooding dangers, through implementation of design safety features and levee improvements; and

A-16 Undertake development of the Project site in a manner that is economically feasible and balanced to address both the Applicant's and the City's economic concerns.

3.0 GENERAL FINDINGS

In addition to the specific findings identified herein, the City Council hereby finds that:

(1) Under CEQA, the City is the appropriate "Lead Agency" for the Project and during the Project's CEQA proceedings no other agency asserted or contested the City's "Lead Agency" status;

(2) As part of the CEQA process, in compliance with the provisions of Senate Bill (SB) 18 and the Governor's Office of Planning and Research's (OPR) "Supplement to General Plan Guidelines – Tribal Consultation Guidelines" (2005), the Lead Agency notified the appropriate California Native American tribes of the opportunity to conduct consultation for the purpose of preserving or mitigating impacts to cultural places, referred the proposed action to those tribes that are on the Native American Heritage Commission (NAHC) contact list that have traditional lands within the agency's jurisdiction, and send notice to tribes that have filed a written request for such notice;

(3) Copies of the NOP, DEIR, NOC for the DEIR, RPDEIR, and NOC for the RPDEIR were provided to those Responsible Agencies identified in the Complete FEIR, and each such agency was provided a specified review period to submit comments thereupon;

(4) In compliance with Section 21092.5(a) of CEQA, at least 10 days prior to the certification of the Complete FEIR, the Lead Agency provided its written proposed response to those public agencies that submitted comments to the Lead Agency on the DEIR and RPDEIR;

(5) The Complete FEIR and all environmental notices associated therewith were prepared in compliance with CEQA and the State CEQA Guidelines and in accordance with the City's local guidelines and procedures;

(6) The City Council has independently reviewed and analyzed the Complete FEIR and the Complete FEIR reflects the independent judgment of the City Council;

(7) A MMRP has been prepared for the Project, identifying those feasible mitigation measures that the City Council has adopted in order to reduce the potential environmental effects of the Project to the maximum extent feasible;

(8) The mitigation measures adopted or likely to be adopted by the City Council will be fully implemented in accordance with the MMRP, verification of compliance will be documented, and each measure can reasonably be expected to have the efficacy and produce the post-mitigated consequences that have been assumed in the Complete FEIR;

(9) The City has determined that neither the comments received nor the responses thereto add significant new information under Section 15088.5 of the State CEQA Guidelines that would require recirculation of the Complete FEIR prior to its certification; and

(10) Copies of all the documents incorporated by reference in the Complete FEIR are and have been available for review during the regular business hours of the City at the office of the Development Services Department from the custodian of records for such documents.

4.0 FINDINGS REGARDING THE SIGNIFICANT ENVIRONMENTAL EFFECTS WHICH CANNOT FEASIBLY BE MITIGATED TO BELOW A LEVEL OF SIGNIFICANCE

The Complete FEIR identified that the Project would result in the following significant effects which, even after application of feasible mitigation measures, and compliance with existing

statutes, regulations, uniform codes, and project design features, cannot be mitigated to below a level of significance and therefore will remain significant and unavoidable:

- **Air quality** (Impacts 7-1, 7-2, 7-4, and 7-7 through 7-10). Based on the size of the Project, and the current practices used in the building industry to grade and construct homes, no feasible mitigation measures exist to reduce construction term air emissions to below a level of significance. While measures such as requiring a substantial reduction in the size of the Project, imposing severe constraints on the number of acres to be graded during any single daily period, limiting the number of dwelling units and non-residential space to be painted each day, or restricting the square footage of areas that could be paved on a daily basis, might reduce construction air emissions, they are not feasible given the amount of acreage required to be graded, the amount of time it would take to build out the Project, and being able to construct in an efficient manner. Similarly, during the Project's operations, based on the number of vehicle trips generated by each of the proposed on-site residential and non-residential land uses, mobile source emissions will remain significant.

  With respect to potential impacts to on-site residential uses from off-site sources of toxic air contaminants, although mitigation is recommenced which would substantially reduce exposure by on-site receptors to carcinogens, air quality impacts would, however, remain significant and unavoidable. The Project's recommended mitigation measures will not adequately mitigate for the Project's projected exceedance of the SCAQMD's suggested threshold of significance standards for construction-term carbon monoxide (CO), oxides of nitrogen (NOX), particulate matter less than 10 microns (PM10), particulate matter less than 2.5 microns (PM2.5), and volatile organic compound (VOC) emissions. Any Project that would individually have a significant air quality impact would also be considered to have a significant cumulative air quality impact. In addition, the Project's recommended mitigation measures will not adequately mitigate for the Project's projected exceedance of the SCAQMD's suggested threshold of significance standards for operational VOC, CO, PM10, PM2.5, and NOX emissions. Because the South Coast Air Basin is currently classified as non-attainment for ozone (O3) PM10, and PM2.5, the Project, in combination with other related projects, could contribute to an existing or projected air quality exceedance within the air basin.

  Localized modeling shows that site construction would result in a substantial increase in certain criteria pollutants (≥10.4 micrograms per cubic meter [µg/m3] of PM10 and PM2.5 averaged over a 24-hour period). In accordance with the SCAQMD's "Final Localized Significance Threshold Methodology" (SCAQMD, June 2003), emission levels attributable to the Project's construction would not appear to comply with the "Final 2007 Air Quality Management Plan" (SCAQMD, June 2007) (2007 AQMP). Based on the identified threshold of significance criteria, non-compliance with the 2007 AQMP would be deemed a significant environmental effect.

- **Noise** (Impacts 8-2 and 8-6). With respect to off-site traffic, the Project would contribute a maximum noise level increase of 4.4 dBA along one roadway segment adjacent to the Project Site and 3.1 dBA along another. Mitigation is recommended to reduce the off-site traffic noise to new developments along most roadway segments adjacent to the Project site to a less-than significant level (less than 3.0 dBA). Because of driveway configuration and orientation of existing residences, in combination with existing legal constraints (such as reducing speed limits, constructing traffic calming devices such as speed bumps or traffic circles), there are no feasible mitigation measures for 10 sensitive

receptors located along Riverside Avenue (between Alder Avenue and Locust Avenue) and 12 along Country Club Drive (north of Riverside Avenue). Off-site traffic noise levels would, therefore, result in a significant and unavoidable impact for the existing residents located along those roadway segments. In addition, because the Project's contribution exceeds 3.0 dBA community noise equivalency level (CNEL), off-site traffic noise levels would result in significant and unavoidable cumulative impacts for sensitive receptors located along Riverside Avenue (between Alder Avenue and Locust Avenue) and along Country Club Drive (north of Riverside Drive).

- **Growth inducement** (Impact 15-1). Growth in an area may result from the removal of physical impediments or restrictions to growth, as well as the removal of planning impediments resulting from land-use plans and policies. Planning impediments may include restrictive zoning or general plan designations. The land-use policy changes described herein would contribute, either directly or indirectly, to substantial population growth in the general Project area. As a result, this growth-inducing impact is deemed to be significant; however, CEQA notes that "[i]t must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment" (14 CCR 15126.2[d]).

The City makes the following findings with respect to each of these significant, adverse environmental impacts.

4.1 Air Quality

4.1.1 **Air Quality Impact 7-1:** During construction, with regards to criteria pollutants, the projected maximum daily emissions of carbon monoxide (CO), oxides of nitrogen (NO_X), respirable particulate matter (PM_{10}), fine particulate matter ($PM_{2.5}$), and volatile organic compounds (VOC) could exceed SCAQMD recommended threshold standards.

Findings: The City Council hereby makes Findings (1) and (3).

Facts in Support of Findings: The following facts are presented in support of these findings:

- Project-related and cumulative air quality impacts are addressed in Section 4.7 (Air Quality) (with the exception of the GHG Emissions and Climate Impacts Analysis, which has been superseded in the RPDEIR), in Appendix III-F (Air Quality Analysis) and Appendix IV-I (Air Quality Assessment Technical Report: Localized Operational Analysis) of the original FEIR, Section 2.1 (Revised GHG Emissions and Climate Impacts Analysis) and Appendix V-B (Revised Climate Change Technical Report) in the RPDEIR, and Appendix VI-C (ENVIRON Technical Memorandum) in the Final RPEIR. That analysis is incorporated by reference herein.
- Construction of the Project has the potential to create air quality impacts through the use of heavy-duty construction equipment and through vehicle trips generated from construction workers traveling to and from the Project site. In addition, fugitive dust emissions would result from grading, demolition, and construction activities. Mobile source emissions, primarily particulate matter (PM) and NO_X, would result from the use of construction equipment such as dozers, loaders, and cranes. During the finishing phase, paving operations and

the application of architectural coatings and other building materials would release VOCs.

- Construction emissions can vary substantially from day to day, depending on the level of activity, the specific type of operation and, for dust, the prevailing weather conditions. Although construction emissions are directly related to the intensity of construction activities, based on the SCAQMD's recommended threshold criteria, computer modeling indicates that maximum CO, NO_X, PM_{10}, $PM_{2.5}$, and VOC construction-related daily (short-term) emissions would result in a significant impact prior to the incorporation of mitigation measures.
- All projects constructed in the South Coast Air Basin (SCAB) are subject to standard conditions, uniform codes, and other agency requirements. Compliance with those provisions is mandatory and, as such, do not constitute mitigation under CEQA. Those conditions mandated by the SCAQMD include, but are not limited to, the following: (1) Rule 403 requires the use of Best Available Control Technologies (BACT) during construction and sets requirements for dust control associated with construction activities; (2) Rules 431.1 and 431.2 require the use of low sulfur fuel for stationary construction equipment; (3) Rule 1108 sets limitations on ROG content in asphalt; and (4) Rule 1113 sets limitations on ROG content in architectural coatings.
- In order to reduce this impact, the City adopts the following mitigation measures which were identified and analyzed in the Complete FEIR:

  Mitigation Measure 7-1. The Applicant shall water active grading areas a minimum of three times per day (as opposed to two).

  Mitigation Measure 7-2. All construction equipment shall be properly tuned and maintained in accordance with manufacturer's specifications.

  Mitigation Measure 7-3. The Applicant shall maintain and operate construction equipment so as to minimize exhaust emissions. During construction, trucks and vehicles in loading and unloading queues shall turn their engines off when not in use to reduce vehicle emissions. Construction emissions shall be phased and scheduled to avoid emissions peaks to the extent feasible and discontinued during second-stage smog alerts.

  Mitigation Measure 7-4. The Applicant shall use line power instead of diesel- or gas-powered generators at all construction sites where ever line power is reasonably available.

  Mitigation Measure 7-5. Unless required for safety reasons, during construction, equipment operators shall limit the idling of all mobile and stationary construction equipment to no more than five minutes. The use of diesel auxiliary power systems and main engines shall also be limited to no more than five minutes when within 100 feet of homes or schools while driver is resting.

  Mitigation Measure 7-6. Active grading activities shall be limited to 10 acres per day or less when grading within 1,000 feet of residential receptors.

  Mitigation Measure 7-7. The Applicant shall implement measures to reduce the emissions of pollutants generated by heavy-duty diesel-powered equipment operating at the Project site throughout the Project construction. The Applicant

shall include in all construction contracts the control measures required and recommended by the SCAQMD at the time of development. These measures presently include, but may not be limited to, the following: (1) Use Tier II (2001 or later) heavy-duty diesel-powered equipment at the Project site; (2) Apply NOx control technologies, such as fuel injection timing retard for diesel engines and air-to-air cooling, and diesel oxidation catalysts as feasible; feasibility shall be determined by using the cost-effectiveness formula developed by the Carl Moyer Program; and (3) General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions and keep all construction equipment in proper tune in accordance with manufacturer's specifications.

Mitigation Measure 7-8. If stationary equipment, such as generators for ventilation fans, must be operated continuously, such equipment shall be located at least 100 feet from existing homes or schools, whenever possible.

Mitigation Measure 7-9. The Applicant shall ensure that the construction contractors utilize architectural coatings that contain a VOC rating of 75 grams/liter of VOC or less.

- With implementation of the recommended mitigation measures, daily emissions of CO, NO_X, PM_{10}, $PM_{2.5}$, and VOC from heavy-duty construction equipment would be reduced by a minimum of five percent. Implementation of those measures would reduce localized PM_{10} emissions by about 15 percent (from 80.2 to 69.0 $\mu g/m^3$) and $PM_{2.5}$ emissions by about 14 percent (from 17.9 to 15.2 $\mu g/m^3$).
- Based on the SCAQMD recommended threshold criteria, implementation of the recommended mitigation measures would not be expected to reduce daily construction CO, NO_X, PM_{10}, $PM_{2.5}$, and VOC emission levels to a less-than-significant level. There are no reasonably available mitigation measures and/or Project alternatives than can feasibly reduce projected construction CO, NO_X, PM_{10}, $PM_{2.5}$, and VOC emissions to less-than-significant levels.
- Any remaining significant Project-specific impacts related to construction-related air quality emissions are determined to be acceptable because they are substantially outweighed by the overriding social, economic, environmental and other benefits of the Project, as more fully set forth in the Statement of Overriding Considerations in Section 7.0 below.

4.1.2 **Air Quality Impact 7-2:** Maximum PM_{10} and $PM_{2.5}$ concentrations, as primarily associated with grading activities, are projected to be 80.2 $\mu g/m^3$ and 17.9 $\mu g/m^3$, respectively, and would occur in the vicinity of those residential areas located to the south of the Project site. Substantially lower PM_{10} and $PM_{2.5}$ concentrations would occur in the vicinity of those residential areas located to the east of the Project site.

Findings: The City Council hereby makes Findings (1) and (3).

Facts in Support of Findings: The following facts are presented in support of these findings:

- Project-related and cumulative air quality impacts are addressed in Section 4.7 (Air Quality) (with the exception of the GHG Emissions and Climate Impacts

Analysis, which has been superseded in the RPDEIR),, in Appendix III-F (Air Quality Analysis) and Appendix IV-I (Air Quality Assessment Technical Report: Localized Operational Analysis) of the original FEIR, Section 2.1 (Revised GHG Emissions and Climate Impacts Analysis) and Appendix V-B (Revised Climate Change Technical Report) in the RPDEIR, and Appendix VI-C (ENVIRON Technical Memorandum) in the Final RPEIR. That analysis is incorporated by reference herein.

- Localized effects from the on-site construction emissions of CO, NO_X (NO_2), PM_{10} and $PM_{2.5}$ were analyzed using the United States Environmental Protection Agency's (USEPA) Industrial Source Complex Short Term (ISCST3) dispersion model that has served as the industry standard and is still deemed acceptable by the SCAQMD for use in dispersion modeling.
- The most common regulated forms of particulate matter are PM_{10} (particulate matter with a diameter of 10 microns or less in size) and $PM_{2.5}$ (particulate matter with a diameter of 2.5 microns or less in size). The maximum PM_{10} and $PM_{2.5}$ concentrations of 80.2 micrograms per square meter ($\mu g/m^3$) and 17.9 $\mu g/m^3$, respectively, would occur in the vicinity of those residential areas located to the south of the site and would occur primarily during site grading activities.
- The majority of PM_{10} emissions associated with the Project's grading/site preparation phase are associated with fugitive dust and not diesel PM. During the building construction phase, most PM_{10} emissions are attributable to diesel sources. Building construction activities, however, will likely occur at a greater distance from near-site receptors.
- Prior to the grading of any portion within the Project site, a grading plan will be submitted to and approved by the City. A NOI will be submitted to the SARWQCB and a site-specific SWPPP, including appropriate BMPs, will be created in accordance with RWQCB guidelines. The site will be appropriately watered (via water trucks or other watering system) to ensure dust control is maintained within the SCAQMD standards.
- Construction activities conducted with the SCAB are required to comply with applicable SCAQMD rules and regulations. As required under Section 39614 of the Health and Safety Code (H&SC), the California Air Resources Board (CARB) was required to adopt a list of the most readily available, feasible, and cost-effective control measures to reduce $PM_{2.5}$ and PM_{10} emissions. In addition to the implementation of applicable SCAQMD rules and regulations, a number of exhaust control-related mitigation measures (Mitigation Measures 7-2 through 7-5) have been formulated. Implementation of those measures would reduce localized PM_{10} emissions by about 15 percent (from 80.2 to 69.0 $\mu g/m^3$) and $PM_{2.5}$ emissions by about 14 percent (from 17.9 to 15.2 $\mu g/m^3$). Mitigation Measures 7-2 through 7-5 are set forth above in Section 4.1.1 and are incorporated by reference.
- Based on the SCAQMD recommended threshold criteria, implementation of the recommended mitigation measures (Mitigation Measure 7-2 through 7-5, Mitigation Measure 4-7, and Mitigation 4-8) would not be expected to reduce construction $PM_{2.5}$ and PM_{10} emissions to a less-than-significant level. There are no reasonably available mitigation measures and/or Project alternatives than can feasibly reduce projected construction $PM_{2.5}$ and PM_{10} emissions to less-than-significant levels.
- Any remaining significant Project-specific impacts related to construction-related air quality emissions are determined to be acceptable because they are

substantially outweighed by the overriding social, economic, environmental and other benefits of the Project, as more fully set forth in the Statement of Overriding Considerations in Section 7.0 below.

4.1.3 **Air Quality Impact 7-4**: The increases in daily emissions resulting from operation of the Project are expected to exceed the SCAQMD thresholds for VOC, CO, PM_{10}, $PM_{2.5}$, and NO_X.

Findings: The City Council hereby makes Findings (1) and (3).

Facts in Support of Findings: The following facts are presented in support of these findings:

- Project-related and cumulative air quality impacts are addressed in Section 4.7 (Air Quality) (with the exception of the GHG Emissions and Climate Impacts Analysis, which has been superseded in the RPDEIR), in Appendix III-F (Air Quality Analysis) and Appendix IV-I (Air Quality Assessment Technical Report: Localized Operational Analysis) of the original FEIR, Section 2.1 (Revised GHG Emissions and Climate Impacts Analysis) and Appendix V-B (Revised Climate Change Technical Report) in the RPDEIR, and Appendix VI-C (ENVIRON Technical Memorandum) in the Final RPEIR. That analysis is incorporated by reference herein.
- Daily air pollutant emissions associated with Project's operations would be generated by the consumption of electricity and natural gas and by the operation of on-road vehicles. Pollutant emissions associated with energy demand (i.e., electricity and natural gas consumption) are classified by the SCAQMD as regional stationary source emissions. Criteria pollutant emissions associated with the production and consumption of energy were calculated using emission factors from the CEQA Handbook.
- Stationary sources built and operated as a result of this Project are subject to comply with the applicable rules and regulations of the SCAQMD. Emission calculations associated with the operation of the Project assume mandatory compliance with applicable standards, prohibitions, and emission limits, such as the inclusion of Best Available Control Technology (BACT) and other measures to reduce pollutant emissions.
- Excluding regional stationary source emissions, operational emissions are primarily a function of mobile source emissions (e.g., vehicle trips). According to the traffic analysis, the Project would result in an increase of 81,660 daily trips over existing conditions. In addition to direct pollutant emissions, including carbon monoxide (CO), ozone (O_3), and particulate matter (PM_{10} and $PM_{2.5}$), motor vehicles emit precursors that contribute to pollutant concentrations, including nitrogen oxides (NO_X), volatile organic compounds (VOCs), sulfur oxides (SO_X), and ammonia (NH_3). Mobile-source emissions were calculated using the current URBEMIS 2007 emissions inventory model (Version 9.2.4), which multiplies an estimate of the increase in daily vehicle miles traveled (VMT) by applicable EMFAC2007 emissions factors.
- Because operational emissions are primarily a function of vehicle trips and vehicle miles traveled and because mobile source emissions exceed identified threshold standards, a number of mitigation measures (Mitigation Measure 7-10

through 7-14) have been formulated which promote alternative modes of transportation and a reduction in vehicle trips and/or VMT.

Mitigation Measure 7-10. The Applicant shall, to the extent feasible, promote, support, and encourage the scheduling of deliveries during off-peak traffic periods to encourage the reduction of trips during the most congested periods.

Mitigation Measure 7-11. The specific plan shall include design and development standards and plans describing and delineating the location of all planned bicycle paths, routes, and trails and, excluding street-adjacent sidewalks, pedestrian pathways located within the Project boundaries. Bicycle and pedestrian facility plans shall illustrate the physical linkages between on-site residential, commercial, and publicly accessible recreational areas and show the connectivity between those on-site facilities and existing and proposed off-site facilities delineated on adopted City and County plans. Motorized and non-motorized travel routes shall be minimized to the maximum extent feasible.

Mitigation Measure 7-12. During site plan review, due consideration shall be given to the provision of safe and convenient pedestrian and bicycle access to transit stops and to public transportation facilities.

Mitigation Measure 7-13. Without forfeiting other development opportunities that may exist thereupon, development plans for Neighborhoods III or IV shall be revised to incorporate a park-and-ride/park-and-pool facility in proximity to the intersection of Sierra Avenue and Riverside Avenue (in the vicinity of PAs 27 or 33) or in an alternative location and of a size acceptable to the Director. Park-and-ride/park-and-pool facilities can be accommodated as part of or independent from a commercial development thought the provision of on-site parking opportunities in exceed of the parking requirements otherwise imposed by that use, accommodated at the perimeter of a residential development through the incorporation of appropriate design elements, or accommodated in a non-conservation open space area where such use can be shown not be produce a deleterious biological resource impact.

Mitigation Measure 7-14. The Applicant shall provide covered transit benches at the park-and-ride/park-and pool facility and, should the local transit authority change existing and/or add new bus routes within the Project site or along public roadways abutting the Project site, at additional transit stops within the Project boundaries.

- Based on the SCAQMD recommended threshold criteria, implementation of the recommended mitigation measures would not be expected to reduce operational VOC, CO, PM_{10}, $PM_{2.5}$, and NO_X emissions to a less-than-significant level. There are no reasonably available mitigation measures and/or Project alternatives than can feasibly reduce projected operational VOC, CO, PM_{10}, $PM_{2.5}$, and NO_X emissions to less-than-significant levels.
- Any remaining significant Project-specific impacts from operational-related air quality emissions are determined to be acceptable because they are substantially outweighed by the overriding social, economic, environmental and other benefits of the Project, as more fully set forth in the Statement of Overriding Considerations in Section 7.0 below.

4.1.4 **Air Quality Impact 7-7:** The Project will locate sensitive receptors within an area of localized cancer risk in excess of the SCAQMD significance threshold of 10 in one million (10×10^{-6})

Findings: The City Council hereby makes Findings (1) and (3).

Facts in Support of Findings: The following facts are presented in support of these findings:

- Project-related and cumulative air quality impacts are addressed in Section 4.7 (Air Quality) (with the exception of the GHG Emissions and Climate Impacts Analysis, which has been superseded in the RPDEIR), in Appendix III-F (Air Quality Analysis) and Appendix IV-I (Air Quality Assessment Technical Report: Localized Operational Analysis) of the original FEIR, Section 2.1 (Revised GHG Emissions and Climate Impacts Analysis) and Appendix V-B (Revised Climate Change Technical Report) in the RPDEIR, and Appendix VI-C (ENVIRON Technical Memorandum) in the Final RPEIR. That analysis is incorporated by reference herein.
- The threshold for significance used to evaluate the exposure to TAC is 10 excess cancer cases per one million people (10×10^{-6}). This is the threshold recommended by the SCAQMD and the CARB explicitly to determine impacts attributable to projects that introduce new sources of TAC emissions in an area.
- The primary sources of potential air toxics associated with the Project's operations include diesel PM from delivery trucks (e.g., truck traffic on local streets and on-site truck idling) and emergency backup generators. Modeled cancer risk exceeds the 10 in one million (10×10^{-6}) threshold, with freeway truck traffic being the major source of TAC exposure.
- With the possible exception of Monier Lifetile (3511 North Riverside Avenue, Rialto), Cemex USA's Lytle Creek Plant (3221 N. Riverside Drive, Rialto), Vulcan Materials Company's (formally Calmat) San Bernardino Sand and Gravel Plant (2400 W. Highland Avenue, Rialto), and gasoline stations (Nealey's Corner) the Project would not be located near any existing uses generating air emissions potentially affecting future on-site receptors.
- As the Project would introduce residential uses within the CARB siting distances for potential air toxic sources, on-site sensitive receptors may potentially be exposed to high levels of TACs.
- A number of programs and strategies to reduce diesel PM are in place or are in the process of being developed as part of the CARB's "Diesel Risk Reduction Program." In addition, the CARB adopted new PM and NO_X emission standards to clean up large diesel engines that power big-rig trucks, trash trucks, delivery vans and other large vehicles. The CARB has worked closely with USEPA on developing new PM and NO_X standards for engines used in off-road equipment, such as backhoes, graders, and farm equipment. When approved by USEPA, the CARB will adopt these as the applicable State standards for new off-road engines. These standards will reduce diesel PM emission by over 90 percent from new off-road engines currently sold in California.
- In addition, studies have shown that vegetation is highly effective in removing some of the most toxic components in the ambient atmosphere, namely diesel and smoking car exhaust. The Project includes the installation of install tiered

vegetative landscaping between the I-15 Freeway, the Cemex USA quarry, and Vulcan Materials Company plant and any residential unit located within 500 feet thereof.

- A mitigation measure (Mitigation Measure 7-15) has been formulated which would preclude the development of certain land uses that would have an increased potential of emitting toxic pollutants, including: (1) heavy industrial; (2) landfills and transfer stations; (3) hazardous waste and medical waste incinerators; and (4) chrome plating facilities. Because on-site sensitive receptors could be exposed to off-site air toxic emissions (e.g. diesel exhaust from the I-15 Freeway, Cemex USA quarry, and Vulcan Materials Company plant) in excess of the SCAQMD significance threshold, a mitigation measure (Mitigation Measure 7-16) has been formulated specifying certain disclosure requirements for properties within 500 feet of the I-15 Freeway, the Cemex USA quarry, and Vulcan Materials Company plant. In addition, a mitigation measure (Mitigation Measure 7-18) has been formulated prohibits sensitive public recreational uses, such as active outdoor playground, within 500 feet of the I-15 Freeway right-of-way and within 500 feet of the property boundary of the Cemex USA quarry and the Vulcan Materials Company plant. Also, a mitigation measure (Mitigation Measures 7-17) has been formulated specifying the use of air filtration systems within 500 feet of the I-15 Freeway right-of-way, the Cemex USA quarry, and Vulcan Materials Company plant. An air filtration system with a minimum efficiency reporting value (MERV) rating of 12 would reduce particles in the range of 1 to 3 microns by a minimum of 80 percent. These measures provide as follows:

  Mitigation Measure 7-15. The specific plan shall be modified to prohibit the on-site development of the following land uses: (1) heavy industrial; (2) landfills and transfer stations; (3) hazardous waste and medical waste incinerators; and (4) chrome plating facilities.

  Mitigation Measure 7-16. Future purchasers of real property located within 500 feet of the I-15 Freeway right-of-way and within 500 feet of the main truck route and active mining areas at the Cemex USA quarry and the Vulcan Materials Company plant shall, in accordance with the disclosure requirements of the California Department of Real Estate, receive notification that residential occupants and other sensitive receptors may be exposed to excess cancer risks as a result of long-term exposure to toxic air contaminants, including diesel particulate matter, associated with diesel-powered vehicles traveling along and operating within those areas.

  Mitigation Measure 7-17. All dwelling units within 500 feet of the I-15 Freeway right-of-way and within 500 feet of the main truck route and active mining areas at the Cemex USA quarry and Vulcan Materials Company plant shall incorporate an air filtration system designed to have a minimum efficiency reporting value (MERV) of 12 or better as indicated by the American Society of Heating Refrigerating and Air Conditioning Engineers (ASHRAE) Standard 52.2.

  Mitigation Measure 7-18. Excluding pedestrian and bicycle trails, sensitive public recreational uses, such as active outdoor playground, shall be prohibited within 500 feet of the I-15 Freeway right-of-way and within 500 feet of the main

truck route and active mining areas at the Cemex USA and Vulcan Materials Company quarries.

- Based on the SCAQMD recommended threshold criteria, because the siting of sensitive receptors within 500 feet of off-sites uses has the potential to cause significant health effects, implementation of the recommended mitigation measures would not be expected to reduce operational cancer risks to a less-than-significant level. There are no reasonably available mitigation measures or Project alternatives that can feasibly reduce operational cancer risks to a less-than-significant level.
- Any remaining significant Project-specific impacts related to exposure of sensitive receptors to TACs are determined to be acceptable because they are substantially outweighed by the overriding social, economic, environmental and other benefits of the Project, as more fully set forth in the Statement of Overriding Considerations in Section 7.0 below.

4.1.5 **Air Quality Impact 7-8:** Projects that exceed the assumptions in the current Air Quality Management Plan (AQMP), based on the year of the Project's build-out, or fail to demonstrate compliance with the criteria outlined in the Guidance Document could result in an increase in the frequency or severity of existing air quality violations, cause or contribute to new violations, and/or delay the attainment of State and federal air quality standards.

Findings: The City Council hereby makes Findings (1) and (3).

Facts in Support of Findings: The following facts are presented in support of these findings:

- Project-related and cumulative air quality impacts are addressed in Section 4.7 (Air Quality) (with the exception of the GHG Emissions and Climate Impacts Analysis, which has been superseded in the RPDEIR), in Appendix III-F (Air Quality Analysis) and Appendix IV-I (Air Quality Assessment Technical Report: Localized Operational Analysis) of the original FEIR, Section 2.1 (Revised GHG Emissions and Climate Impacts Analysis) and Appendix V-B (Revised Climate Change Technical Report) in the RPDEIR, and Appendix VI-C (ENVIRON Technical Memorandum) in the Final RPEIR. That analysis is incorporated by reference herein.
- The purpose of the current (2007) AQMP is to bring the SCAB into compliance with State and federal ambient air quality standards. A significant impact may, therefore, occur if a Project is not consistent with the 2007 AQMP or would, in some way, represent a substantial hindrance to employing the policies or obtaining the goals of that plan.
- With the inclusion of the recommended mitigation measures (Mitigation Measures 1-1, 1-6, 7-4 though 7-8, 7-11, 7-13, and 7-15 through 7-18), it can be demonstrated that the Project generally complies with the goals of the Guidance Document and with the 2007 AQMP. However, localized modeling shows that site construction would result in a substantial increase, defined as $\geq$10.4 $\mu g/m^3$ of PM_{10} and $PM_{2.5}$ averaged over a 24-hour period. As such, the Project adds cumulatively to an exceedance of particulate standards. Since the goal of the 2007 AQMP is to protect receptors from exceedance conditions, with regards to

projected short-term particulate emissions, the Project would not appear to fully comply with that provision of the 2007 AQMP. Mitigation Measures 7-4 through 7-8, 7-11, 7-13 and 7-15 through 7-18 are set forth above and are hereby incorporated by reference. Mitigation Measures 1-1 and 1-6 provide as follows:

Mitigation Measure 1-1: Development applications involving the construction of any of the permitted land uses identified in the specific plan and listed in the "General Land-Use Compatibility Matrix" (see Table 4.1-4 in the DEIR) shall be accompanied by the submittal to the Director of a site-specific and use-specific analysis that addresses the potential land use conflicts identified therein and identifies the design measures (such as landscaping, screening, etc.), site planning measures (such as setbacks, massing), development standards in the LCRSP, and such other measures that will be employed to ensure compatibility among adjacent land uses. Development applications for conditionally permitted land uses within the Village Commercial Center designation, and other designations if necessary, shall submit a site-specific and use-specific analysis to the Director in the same manner as for permitted uses and shall also complete additional environmental review under the California Environmental Quality Act (CEQA) if the proposed development may cause a new significant environmental impact that has not been fully analyzed and disclosed in accordance with CEQA. Should the resulting investigation indicate the absence of any significant environmental effects, the Director may administratively grant authorization for such use. However, if mitigation measures are identified, those measures shall be imposed as subsequent conditions of approval for individual development projects. For the purpose of environmental compliance, "adjacent" shall be defined as directly abutting and shall not include uses separated by a street public or private right-of-way or designated open space area.

Mitigation Measure 1-6: Prior to the approval of any tentative "B" level tentative subdivision map (excluding any "A" level subdivision map for financing purposes only) allowing for residential development or other sensitive land uses on lands abutting active mining areas, the Applicant shall delineate on the plan or map a buffer zone (which might be inclusive of road right-of-way) from the edge of those active mining areas of a width and configuration acceptable to the City and the Applicant shall incorporate within that buffer zone solid fencing, with a minimum height of not less than six feet above finish grade, and landscaping of a type and intensity acceptable to the City.

- Based on the SCAQMD recommended threshold criteria, implementation of the recommended mitigation measures would not be expected to demonstrate that the Project fully complies with the provisions of the 2007 AQMP. There are no reasonably available mitigation measures and/or Project alternatives that can feasibly result in the avoidance of an increase in the frequency or severity of existing air quality violations, cause or contribute to new violations, and/or delay the attainment of State and federal air quality standards, thus reducing the Project's air quality impacts to a less-than-significant level.
- Any remaining significant adverse impacts related to consistency with the AQMP are determined to be acceptable because they are substantially outweighed by the overriding social, economic, environmental and other benefits of the Project, as more fully set forth in the Statement of Overriding Considerations in Section 7.0 below.

4.1.6 **Air Quality Impact 7-9:** Since the Project will exceed SCAQMD regional emission thresholds during construction, even with the incorporation of all feasible mitigation measures, the Project will contribute to a significant cumulative air quality impact.

Findings: The City Council hereby makes Findings (1) and (3).

Facts in Support of Findings: The following facts are presented in support of these findings:

- Project-related and cumulative air quality impacts are addressed in Section 4.7 (Air Quality) (with the exception of the GHG Emissions and Climate Impacts Analysis, which has been superseded in the RPDEIR), in Appendix III-F (Air Quality Analysis) and Appendix IV-I (Air Quality Assessment Technical Report: Localized Operational Analysis) of the original FEIR, Section 2.1 (Revised GHG Emissions and Climate Impacts Analysis) and Appendix V-B (Revised Climate Change Technical Report) in the RPDEIR, and Appendix VI-C (ENVIRON Technical Memorandum) in the Final RPEIR. That analysis is incorporated by reference herein.
- Any Project that would individually have a significant air quality impact would also be considered to have a significant cumulative air quality impact. Since the Project would exceed SCAQMD regional emission thresholds during construction, even with the incorporation of all feasible mitigation measures, the Project will incrementally contribute to the creation of a significant cumulative air quality impact.
- Since the Project's recommended mitigation measures will not adequately mitigate for the Project's projected exceedance of the SCAQMD's suggested threshold of significance standards for construction-term CO, NO_X, PM_{10}, $PM_{2.5}$, and VOC emissions, implementation of those recommended mitigation measures would not reduce the Project's potential cumulative air quality impact to a less-than-significant level. No additional mitigation measures, formulated specifically to address the Project's potential incremental contribution to cumulative construction-related air quality impacts, are deemed to be reasonably feasible.
- Any remaining significant cumulative adverse impacts to construction-related air quality emissions are determined to be acceptable because they are substantially outweighed by the overriding social, economic, environmental and other benefits of the Project, as more fully set forth in the Statement of Overriding Considerations in Section 7.0 below.

4.1.7 **Air Quality Impact 7-10**: The Project area is out-of-attainment for both ozone (O_3) and particulate (PM_{10} and $PM_{2.5}$) emissions. Peak daily emissions of operation-related pollutants would exceed SCAQMD regional significance thresholds. By applying SCAQMD's cumulative air quality impact methodology, implementation of the Project would result in an addition of criteria pollutants such that cumulative impacts, in conjunction with related projects in the region, would occur. The emissions generated by Project operation would be deemed cumulatively considerable.

Findings: The City Council hereby makes Findings (1) and (3).

Facts in Support of Findings: The following facts are presented in support of these findings:

- Project-related and cumulative air quality impacts are addressed in Section 4.7 (Air Quality) (with the exception of the GHG Emissions and Climate Impacts Analysis, which has been superseded in the RPDEIR), in Appendix III-F (Air Quality Analysis) and Appendix IV-I (Air Quality Assessment Technical Report: Localized Operational Analysis) of the original FEIR, Section 2.1 (Revised GHG Emissions and Climate Impacts Analysis) and Appendix V-B (Revised Climate Change Technical Report) in the RPDEIR, and Appendix VI-C (ENVIRON Technical Memorandum) in the Final RPEIR. That analysis is incorporated by reference herein.
- A significant impact may occur if a project would add a cumulatively considerable contribution of a federal or state non-attainment pollutant. Because the SCAB is currently classified as non-attainment for O_3, PM_{10}, and $PM_{2.5}$, the Project, in combination with other related projects could exceed an air quality standard and/or contribute to an existing or projected air quality exceedance.
- Localized modeling shows that site construction would result in a substantial increase, defined as $\geq$10.4 $\mu g/m^3$ of PM_{10} and $PM_{2.5}$ averaged over a 24-hour period. As such, the Project adds cumulatively to an exceedance of particulate standards.
- The implementation of the Project, even with the incorporation of all feasible mitigation measures, would result in an addition of criteria pollutants such that cumulative impacts, in conjunction with related projects in the region, would occur. The emissions generated by the Project operation would, therefore, be cumulatively considerable.
- Since the Project's recommended mitigation measures will not adequately mitigate for the Project's projected exceedance of the SCAQMD's suggested threshold of significance standards for operational VOC, CO, PM_{10}, $PM_{2.5}$, and NO_X emissions, implementation of the recommended mitigation measures would not reduce the Project's potential cumulative air quality impact to a less-than-significant level. No additional mitigation measures, formulated specifically to address the Project's potential incremental contribution to cumulative operational air quality impacts, are deemed to be reasonably feasible.
- Any remaining significant cumulative adverse impacts from air quality emissions are determined to be acceptable because they are substantially outweighed by the overriding social, economic, environmental and other benefits of the Project, as more fully set forth in the Statement of Overriding Considerations in Section 7.0 below.

4.2 Noise

4.2.1 **Noise Impact 8-2:** Upon completion, vehicular traffic added to those off-site roadways within the general Project area will introduce new mobile noise sources and may create a higher noise exposure to residents and other sensitive receptors beyond the noise levels currently experienced or otherwise predicted in the absence of the Project.

Findings: The City Council hereby makes Findings (1) and (3)

Facts in Support of Findings: The following facts are presented in support of these findings:

- Project-related and cumulative noise impacts are addressed in Section 4.8 (Noise) and Appendix III-H (Acoustical Analysis) in the original FEIR and that analysis is incorporated herein by reference.
- Off-site locations in the Project vicinity could experience an increase in noise resulting from the additional traffic generated by the Project. Ambient noise levels will also increase due to increased traffic volumes (from anticipated ambient growth and other related projects), independent of any contributions attributable to the Project.
- Increases in Project-related traffic noise levels would exceed the recommended significance threshold of 3.0 dBA CNEL at two intersections, resulting in an increase of 3.1 dBA CNEL on Riverside Avenue (between Alder Avenue and Locust Avenue) and 4.4 dBA CNEL on Country Club Drive (north of Riverside Avenue). Project-related traffic-related noise impacts along Country Club Drive (north of Riverside Avenue) and along the south (west) side of Riverside Avenue (between Alder Avenue and Locust Avenue) would, therefore, be considered significant.
- As shown in the June 7, 2012, memorandum from Matrix Environmental to Gina Gibson, the increases in Project-related traffic noise levels above future conditions would affect only 22 residences in total: 10 residences along Riverside Avenue (between Alder Avenue and Locust Avenue) intersection, and 12 residences adjacent to the Country Club Drive (north of Riverside Avenue) intersection. These same 10 residences along Riverside Avenue and the same 12 residences adjacent to Country Club Drive would also experience a significant noise impact under a "Sunnyvale" noise impact analysis. (See May 9, 2012 study by Acoustical Engineering Services, "Additional Traffic Noise Impacts Analysis.")
- It is noted, however, that in the field of acoustics, there are noticeable differences and subjective responses due to changes in noise level. It is widely accepted that in the community noise environment the average healthy ear can barely perceive noise level changes of 3 decibels. Noise level changes of 3 to 5 decibels may be noticed by some individuals who are extremely sensitive to changes in noise. A change in noise level of 5 decibels is readily noticeable, while the human ear perceives an increase of 10 decibels as a doubling of sound.
- Traffic noise can typically be minimized through reduction of vehicular speed and/or implementation of traffic calming measures, such as speed humps and traffic circles. Given the nature of these road segments, noise attenuation measures would not appear to be feasible mitigation due to legal considerations, specifically, the Applicant's inability to legally reduce travel speeds or reconfigure off-site public streets.
- With respect to those 22 residences along Country Club Drive north of Riverside Avenue, the existing orientation and proximity of existing residences along Riverside Avenue (between Alder Avenue and Locust Avenue) and along Country Club Drive (north of Riverside Drive) makes infeasible the implementation of noise attenuation measures along that road segment. Vehicular access to and from existing residential uses is provided via driveways along Country Club Drive. Construction of landscaped berms and/or other noise barriers at these locations would interfere with vehicular access to those

properties. If provided, requisite openings to allow access to these residences would dilute the effectiveness of those measures.

- A mitigation measure (Mitigation Measure 8-1) has been formulated specifying the construction of on-site noise barriers adjacent to the I-15 Freeway, Lytle Creek Road, Glen Helen Parkway, Sierra Avenue, and Riverside Avenue to reduce the exterior noise levels in order to meet City's noise standard with regards to sensitive on-site land uses.

  Mitigation Measure 8-1. Noise barrier shall be constructed along any residential lots and school sites adjacent to the I-15 Freeway, Lytle Creek Road, Glen Helen Parkway, Sierra Avenue, and Riverside Avenue. Depending on the final lot grade elevations relative to the roadway elevations, noise barrier height of ranging between 5-8 feet would reduce the traffic noise to 65 dBA CNEL at outdoor noise sensitive uses, including residential backyards and courtyards and school playgrounds. A higher noise barrier will likely be required to mitigate I-15 Freeway noise. Overall height of noise barrier can be achieved by solid walls, earthen berms or combination of walls and earthen berms. Final noise barrier height shall be assessed when the final site and grading plans are completed. Prior to the issuance of grading permits for development projects located along I-15 Freeway, Lytle Creek Road, Glen Helen Parkway, Sierra Avenue, and Riverside Avenue, an acoustical analysis shall be prepared by a qualified acoustical consultant and submitted to, and when deemed acceptable, accepted by the City Engineer. The report shall determine the need for any noise barriers or other mitigation strategies and, if required, identify noise barrier heights, locations, and configurations

- There are no other reasonably available mitigation measures and/or Project alternatives that could feasibly reduce Project-related traffic noise levels to below the recommended 3.0 dBA CNEL threshold criteria along Riverside Avenue (between Alder Avenue and Locust Avenue) or along Country Club Drive (north of Riverside Drive), thus preventing the Lead Agency from reducing the Project's operational noise impacts at either of those locations to a less-than-significant level.
- Any remaining significant Project-specific impacts related to noise impacts are determined to be acceptable because they are substantially outweighed by the overriding social, economic, environmental and other benefits of the Project, as more fully set forth in the Statement of Overriding Considerations in Section 7.0 below.

4.2.2 **Noise Impact 8-6**: Areawide development activities will result in increased traffic along local roadways. With increased traffic volumes, additional mobile source noise generators are introduced into the Project area which can impact those sensitive receptors located adjacent to those roadways.

Findings: The City Council hereby makes Findings(1) and (3).

Facts in Support of Findings: The following facts are presented in support of these findings:

- Project-related and cumulative noise impacts are addressed in Section 4.8 (Noise) and Appendix III-H (Acoustical Analysis) in the original FEIR and that analysis is incorporated herein by reference.
- Cumulative noise impacts attributable to roadway traffic would occur as a result of increased traffic on local roadways due to the Project and other projects within the study area. Cumulative traffic-generated noise impacts were, therefore, assessed based on the contribution of the Project to the future cumulative traffic volumes in the Project vicinity at the Project's build-out (2030). Increases in cumulative traffic noise levels would exceed the recommended significance threshold of 3.0 dBA CNEL at eight roadway segments, resulting in increases ranging from 3.1 to 7.2 dBA CNEL.
- For the purpose of impact assessment, based on the recommended threshold of significance criteria, the contribution of the Project to the cumulative environment is considered significant if the Project were to contribute 3 dBA CNEL or more to a cumulative noise increase of 5 dBA CNEL or greater. The increase in noise levels attributable to the Project would only exceed the recommended criteria at two of the impacted roadway segments: (1) Riverside Avenue (between Alder Avenue and Locust Avenue) (Project contribution 3.1 dBA CNEL); and (2) Country Club Drive (north of Riverside Avenue) (Project contribution 4.4 dBA CNEL).
- With respect to those residences along Country Club Drive north of Riverside Avenue, the existing orientation and proximity of existing residences along Riverside Avenue (between Alder Avenue and Locust Avenue) Country Club Drive (north of Riverside Drive) makes infeasible the implementation of noise attenuation measures along that road segment. Vehicular access to and from existing residential uses is provided via driveways along Country Club Drive. Construction of landscaped berms and/or other noise barriers at these locations would interfere with vehicular access to those properties. If provided, requisite openings to allow access to these residences would dilute the effectiveness of those measures.
- A mitigation measure (Mitigation Measure 8-1) has been formulated specifying the construction of on-site noise barriers adjacent to the I-15 Freeway, Lytle Creek Road, Glen Helen Parkway, Sierra Avenue, and Riverside Avenue to reduce the exterior noise levels in order to meet City's noise standard with regards to sensitive on-site land uses.

  Mitigation Measure 8-1. Noise barrier shall be constructed along any residential lots and school sites adjacent to the I-15 Freeway, Lytle Creek Road, Glen Helen Parkway, Sierra Avenue, and Riverside Avenue. Depending on the final lot grade elevations relative to the roadway elevations, noise barrier height of ranging between 5-8 feet would reduce the traffic noise to 65 dBA CNEL at outdoor noise sensitive uses, including residential backyards and courtyards and school playgrounds. A higher noise barrier will likely be required to mitigate I-15 Freeway noise. Overall height of noise barrier can be achieved by solid walls, earthen berms or combination of walls and earthen berms. Final noise barrier height shall be assessed when the final site and grading plans are completed. Prior to the issuance of grading permits for development projects located along I-15 Freeway, Lytle Creek Road, Glen Helen Parkway, Sierra Avenue, and Riverside Avenue, an acoustical analysis shall be prepared by a qualified acoustical consultant and submitted to, and when deemed acceptable, accepted by the City Engineer. The

report shall determine the need for any noise barriers or other mitigation strategies and, if required, identify noise barrier heights, locations, and configurations

- There are no other reasonably available mitigation measures and/or Project alternatives that can feasibly reduce Project-related traffic noise levels to below the recommended 3.0 dBA CNEL threshold criteria along Riverside Avenue (between Alder Avenue and Locust Avenue) and Country Club Drive (north of Riverside Drive), thus preventing the Lead Agency from reducing the Project's operational noise impacts at those locations to a less-than-significant level.
- Any remaining cumulative adverse impacts resulting from noise related impacts are determined to be acceptable because they are substantially outweighed by the overriding social, economic, environmental and other benefits of the Project, as more fully set forth in the Statement of Overriding Considerations in Section 7.0 below.

4.3 Growth Inducement

4.3.1 **Growth Inducement Impact 15-1**: Because the Project's effectuation requires both a General Plan amendment and a zone change, as well as designated sphere of influence areas, the Project may result in on-site development activities that exceed current development assumptions. Although the Project area has been included in the master plan for services of water and other utilities and is surrounded by other already developed or entitled areas, the Project will have growth-inducing effects with respect to sewer as it requires the provision of new facilities that provide additional capacity, thus permitting growth that can use the excess capacity.

Findings: The City Council hereby makes Findings(1) and (3).

Facts in Support of Findings: The following facts are presented in support of these findings:

- Project-related and cumulative growth-inducing impacts are addressed in Section 5.0 (Growth Inducement) in the original FEIR and that analysis is incorporated herein by reference.
- Growth in an area may result from the removal of physical impediments or restrictions to growth, as well as the removal of planning impediments resulting from land-use plans and policies. Planning impediments may include restrictive zoning or general plan designations.
- Under existing City and County land-use policies and based on prior discretionary approvals by the City (e.g., "El Rancho Verde Specific Plan") and by the County (e.g., "Glen Helen Specific Plan" "Lytle Creek North Planned Development"), independent of any actions that the City may take with regards to the LCRSP, portions of the Project site would likely undergo development. Based on existing zoning, a total of approximately 2,215 single-family dwelling units and 1,097,418 square feet of commercial and light industrial development could be constructed, primarily in Neighborhoods II and III. An approximately 1,231.8-acre portion of the subject property would be retained as natural or improved open space (including floodway, parklands, open space, and the existing SCE right-of-way).
- Under the LCRSP, a total of 8,407 dwelling units and 849,420 square feet of non-

residential development, in combination with other public facilities (e.g., new school sites), would be authorized within the Project boundaries and a total of 1,253.8 acres would be retained as natural or improved open space.

- When proposed land-use policies are compared to what might otherwise be allowable under existing City and County zoning, those differences translate into approximately 6,192 additional dwelling units, 247,998 fewer square feet of non-residential use, and an approximately 22.0-acre increase in the size of the development footprint beyond those levels that would otherwise occur in the absent the LCRSP.
- Although the term "substantial" is neither defined under CEQA nor the State CEQA Guidelines, it can be reasonably construed that those land-use policy changes would contribute, either directly or indirectly, to substantial population growth in the general Project area. As a result, this growth-inducing impact is deemed to be significant. No feasible measures or other conditions of approval have been identified by the Lead Agency which would effectively mitigate this growth-inducing impact to a less-than-significant level.
- This significant growth inducing impact is determined to be acceptable because it is substantially outweighed by the overriding social, economic, environmental and other benefits of the Project, as more fully set forth in the Statement of Overriding Considerations in Section 7.0 below.

5.0 FINDINGS REGARDING THE SIGNIFICANT OR POTENTIALLY SIGNIFICANT ENVIRONMENTAL EFFECTS OF THE PROJECT WHICH CAN FEASIBLY BE MITIGATED TO BELOW A LEVEL OF SIGNIFICANCE

The Complete FEIR identified that the Project would result in the following significant effects which, after application of feasible mitigation measures, and compliance with existing statutes, regulations, uniform codes, and project design features, will reduce these impacts to below a level of significance.

5.1 Land Use and Planning

5.1.1 **Land Use Impact 1-1:** The Project will involve a variety of residential, non-residential, commercial/institutional, and open space uses. Based on operational differences, the on-site placement of residential units adjacent to other non-residential uses could result in land-use compatibility conflicts resulting in significant air quality, noise, and traffic impacts affecting local residents.

Finding: The City Council hereby makes Finding (1).

Facts in Support of Finding: The following facts are presented in support of this finding:

- Project-related and cumulative land-use impacts are addressed in Section 4.1 (Land Use) in the original FEIR and that analysis is incorporated by reference herein.
- The physical change to the Project area associated with the introduction of new land uses and/or the expansion of existing uses, in and of itself, does not inherently generate significant or potentially significant land-use impacts. Land-use conflicts would typically only manifest if the operational characteristics and

performance expectation and requirements of one use were to differ substantially from the operational characteristics and performance expectations and requirements of another nearby use.

- Operationally, although the LCRSP includes a land-use plan showing the proposed location and density of development anticipated with the implementation of the specific plan, the LCRSP does not expressly dictate the siting of specific land uses. In the absence of site-specific information, it is necessary to consider the operational characteristics of permitted land uses in each planning area to determine whether those uses (and their associated operational characteristics) may raise potential land-use conflicts or impose or create potential conflicts affecting proximal off-site areas. Because the LCRSP contains substantial flexibility with regards to the placement and intensity of those allowable uses, at this programmatic level, it is not possible to precisely quantify the exact nature of a yet-to-be-defined future use impacts on other yet-to-be-defined future uses. Such precision is not, however, required in order to ensure that any significant operational impacts are avoided or reduced to a less-than-significant level.
- In recognition of the potential land-use compatibility impacts associated with both the placement of certain permitted uses adjacent to other existing uses within and adjoining the specific plan area and, specifically, where a non-residential use may abut a residential or other sensitive land use, Mitigation Measure 1-1 is recommended which, when implemented, will reduce potential land-use compatibility conflicts to a less-than-significant level.

  Mitigation Measure 1-1: Development applications involving the construction of any of the permitted land uses identified in the specific plan and listed in the "General Land-Use Compatibility Matrix" (see Table 4.1-4 in the original DEIR) shall be accompanied by the submittal to the Director of a site-specific and use-specific analysis that addresses the potential land-use conflicts identified therein and identifies the design measures (such as landscaping, screening, etc.), site planning measures (such as setbacks, massing), development standards in the LCRSP, and such other measures that will be employed to ensure compatibility among adjacent land uses. Development applications for conditionally permitted land uses within the Village Commercial Center designation, and other designations if necessary, shall submit a site-specific and use-specific analysis to the Director in the same manner as for permitted uses and shall also complete additional environmental review under the California Environmental Quality Act (CEQA) if the proposed development may cause a new significant environmental impact that has not been fully analyzed and disclosed in accordance with CEQA. Should the resulting investigation indicate the absence of any significant environmental effects, the Director may administratively grant authorization for such use. However, if mitigation measures are identified, those measures shall be imposed as subsequent conditions of approval for individual development projects. For the purpose of environmental compliance, "adjacent" shall be defined as directly abutting and shall not include uses separated by a street public or private right-of-way or designated open space area.

- Since none of the recommended threshold criteria would be exceeded, as mitigated, the identified impact would be less than significant and no additional mitigation measures are recommended or required.

5.1.2 **Land Use Impact 1-2**: The Project site presently contains a number of natural gas and liquid fuel transmission pipelines. Damage to those transmission pipelines and/or the release of their contents, whether through natural events or other circumstances, could cause or contribute to public health and safety hazards and thereby create land-use compatibility conflicts with proximal land uses and near-site receptors.

Finding: The City Council hereby makes Finding (1).

Facts in Support of Finding: The following facts are presented in support of this finding:

- Project-related and cumulative land-use impacts are addressed in Section 4.1 (Land Use) in the original FEIR and that analysis is incorporated by reference herein.
- The Kinder Morgan Pipeline Company's (KMEP) Calnev Interstate Pipeline and the Southern California Gas Company's (SoCalGas) natural gas transmission pipeline both transport fuel and traverse portions of the City, the County, and surrounding jurisdictions, including portions of the Project site. The KMEP's 14-inch diameter liquid fuel pipeline, which transports gasoline, jet fuel, and No. 2 diesel fuel, is located to the east of the Cemex USA's Lytle Creek quarry. SoCalGas' two 36-inch diameter transmission pipelines (Lines 4000 and 4002), which transport natural gas, cross the Project site in generally a northeast-southwest direction.
- The presence of underground liquid or gaseous fuel transmission pipelines could introduce land-use conflicts if public safety factors are not adequately considered.
- The California Department of Education (CDE) has developed guidance procedures for evaluating safety hazards associated with natural gas and liquid fuel releases from underground and above ground pipelines. Among other requirements, the CDE imposes additional school siting evaluation obligations, including the consideration of alternative sites, when an above ground or underground pipeline that can pose a safety hazard is located within 1,500 feet of the proposed school site.
- In recognition of potential land-use conflicts that could, but would not necessarily, occur based on the presence of underground natural gas and liquid fuel transmission pipelines (i.e., covered pipeline segments), a number of mitigation measures (Mitigation Measure 1-2 through Mitigation Measure 1-5) have been formulated to ensure that the siting of specific land uses occurs in recognition of the presence of those existing facilities.

  Mitigation Measure 1-2: No grading, landscape, and street improvement plans shall be approved or authorized within the recorded easements of Calnev Interstate Pipeline (Calnev) and Southern California Gas Company's (SoCalGas) natural gas transmission pipelines until approved by the City and the utility company and/or pipeline operator.

  Mitigation Measure 1-3: The specific plan land-use map shall be modified to depict the existing alignment of the recorded easement for the Calnev Interstate Pipeline and Southern California Gas Company's natural gas transmission pipelines where they traverse the Project site. No habitable structures or

structures that would impede access to the pipeline easement shall be placed within the easement area, unless otherwise approved by SoCalGas or Calnev.

Mitigation Measure 1-4: With the exception of open space, prior to approving any land use within an area designated as a "high consequence area" pursuant to Title 49, Part 92, Subpart O of the Code of Federal Regulations (CFR) for covered pipeline segments (as defined in 49 CFR 192.903), if any, of the Calnev Interstate Pipeline and Southern California Gas Company's natural gas transmission pipelines located within the Project boundaries, the Applicant shall provide to the City if available a copy of the pipeline integrity management plan, as prepared by the pipeline operator pursuant to 49 CFR 192.907. The submittal of the pipeline integrity management plan is intended for the purpose of public disclosure and informed decision making and is not determinant of any Project-level entitlements with regards to those properties subject thereto.

Mitigation Measure 1-5: With the exception of open space, prior to approving any land use within an area designated as a "high consequence area" pursuant to Title 49, Part 92, Subpart O of the Code of Federal Regulations (CFR) for covered pipeline segments (as defined in 49 CFR 192.903), if any, of the Calnev Interstate Pipeline and Southern California Gas Company's natural gas transmission pipelines located within the Project boundaries, the Applicant shall provide to the City if available a copy of the pipeline integrity management plan, as prepared by the pipeline operator pursuant to 49 CFR 192.907. The submittal of the pipeline integrity management plan is intended for the purpose of public disclosure and informed decision making and is not determinant of any Project-level entitlements with regards to those properties subject thereto.

- Since none of the recommended threshold criteria would be exceeded, as mitigated, the identified impact would be less than significant and no additional mitigation measures are recommended or required.

5.1.3 **Land Use Impact 1-3**: Project implementation could impact the continuing operation of existing proximal land uses and/or impede the ability of the Cities of Fontana and Rialto and/or the County of San Bernardino to proceed with, if public, or to approve, if private, future land uses through the introduction of encroaching development constraints that do not presently exist in the area of those facilities or, if evident, do not exist at levels that presently constrain the development or continuing operation of those uses. Similarly, based on their operational characteristics, existing off-site uses, now operating within the general Project area could impact planned or permitted land uses that may occur on the Project site.

Finding: The City Council hereby makes Finding (1).

Facts in Support of Finding: The following facts are presented in support of this finding:

- Project-related and cumulative land-use impacts are addressed in Section 4.1 (Land Use) in the original FEIR and that analysis is incorporated by reference herein.
- The LCRSP provides for a mix of residential, commercial and light industrial uses. Proximal commercial development can benefit existing residential areas

by enhancing access to neighborhood-serving retail uses. Land uses authorized within the "Village Center Commercial (VC)" zone are inherently compatible with those uses found within the adjacent, existing Las Colinas neighborhood, and proposed residential areas that will be situated adjacent to VC zoned areas.

- In recognition of the potential land-use compatibility impacts associated with both the placement of certain permitted land uses adjacent to other existing uses within the LCRSP area and, specifically, with regards to those future commercial uses that may be located adjacent to existing residential uses, Mitigation Measure 1-1 is recommended which, when implemented, will reduce potential land-use compatibility conflicts associated with the contiguous placement of such uses to a less-than-significant level.
- Cemex USA's adopted mineral extraction plan for the Lytle Creek Plant is effective for a period of 25 years (with a two-year revegetation monitoring period), expiring on April 29, 2028. Cemex USA is a vested operation and is operating under an approved reclamation plan. As such, its continuing operation, in accordance with that plan and other applicable requirements, has been assumed. With regards to that active mining operation, the City does not have any adopted goals or policies promoting the development of new mineral extraction activities within the community. Similarly, the City General Plan does not preclude development in areas proximal to existing and/or former mineral resource sites. The County General Plan and County Development Code incorporates design, development, and performance standards that collectively seek to eliminate or minimize potential environmental impacts of permitted land uses on other existing and proposed uses. Those standards are intended to protect the public health and safety (including that of workers, nearby residents and businesses) and prevent damaging or deleterious effects to surrounding properties.
- Although Cemex USA has an established "vested right" to operate, the facility must, at all times operate in accordance with the requirements imposed by the State and the County. Mitigation Measure 1-6, set forth below, has been formulated to ensure that appropriate separation between these uses is provided in connection with approval of any "B" level tentative subdivision maps for residential uses adjoining active mining areas
- The Project thus does not exist in isolation but adjoins other existing and reasonably foreseeable uses located beyond the specific plan boundaries, including a variety of land uses within the Cities of Fontana and Rialto, within County unincorporated areas, and on federal lands located within the San Bernardino National Forest (SBNF). Those existing and reasonably foreseeable land uses exhibit or would be projected to exhibit operational characteristics that may differ from those produced by and associated with the planned and permitted development activities likely to occur on the LCRSP Project site.
- Abutting a substantial portion of Neighborhoods I and IV is the National Forest boundary. Although a portion of Neighborhood I extends into the National Forest's Congressional boundaries, because the proposed development area is privately owned, no portion of the LCRSP is subject to Forest Service jurisdiction. Although various resource management opportunities may exist and may be authorized under Forest Service policies, with regards to Neighborhood I, based on the "Partial Retention" designation of adjoining National Forest System (NFS) lands, no or only minimal future development can be anticipated within that portion of the SBNF located proximate to the LCRSP Project site. As a result,

those National Forest areas that adjoin or are located proximate to the Neighborhood I are assumed to generally remain in their present form and no intensive development or other substantial intensification of existing National Forest uses and/or activities is assumed thereupon.

- That portion of the SBNF abutting Neighborhood IV has been designated "Developed Area Interface (DAI)" by the Forest Service. Because it provides a transitional buffer, abutting "Open Space (OS)" areas in Neighborhood IV would be deemed compatible with the Forest Service's "Developed Area Interface (DAI)" designation.
- The introduction of new residential, commercial, and general warehousing uses proximate to the National Forest may increase the level of both authorized and unauthorized park use, as well as introduce other exogenous impacts, including increased night lighting, noise, and predation by household pets and feral cats.
- With the exception of Project-related and cumulative traffic along Glen Helen Parkway, Lytle Creek Road, and Sierra Avenue, the LCRSP's inclusion of residential and non-residential development located adjacent to the National Forest will not impose any substantial operational impacts affecting existing forest uses or foreclose future options affecting near-site federal lands. Similarly, with the exception of minimal noise and light intrusion, increased traffic along those public roadways located adjacent to the National Forest will not further encroach into or upon federal lands, restrict access to public lands, or limit further opportunities available to the USFS concerning the use of those federal lands.
- In order to reduce impacts on NFS lands and potential conflicts between development activities conducted outside the National Forest and the USFS' resource management plans, a number of mitigation measures has been formulated requiring both a land-line survey which would allow for a precise delineation of the boundaries of the SBNF relative to the Project boundaries (Mitigation Measure 1-7) and specifying a development setback from NFS lands consistent with the provisions and intent of the County Development Code and the LCNPD (Mitigation Measure 1-8). Implementation of those mitigation measures would reduce any potential land-use conflicts to a less-than-significant level.

Mitigation Measure 1-1: Development applications involving the construction of any of the permitted land uses identified in the specific plan and listed in the "General Land-Use Compatibility Matrix" (see Table 4.1-4 in the DEIR) shall be accompanied by the submittal to the Director of a site-specific and use-specific analysis that addresses the potential land-use conflicts identified therein and identifies the design measures (such as landscaping, screening, etc.), site planning measures (such as setbacks, massing), development standards in the LCRSP, and such other measures that will be employed to ensure compatibility among adjacent land uses. Development applications for conditionally permitted land uses within the Village Commercial Center designation, and other designations if necessary, shall submit a site-specific and use-specific analysis to the Director in the same manner as for permitted uses and shall also complete additional environmental review under the California Environmental Quality Act (CEQA) if the proposed development may cause a new significant environmental impact that has not been fully analyzed and disclosed in accordance with CEQA. Should the resulting investigation indicate the absence of any significant environmental effects, the Director may administratively grant authorization for

such use. However, if mitigation measures are identified, those measures shall be imposed as subsequent conditions of approval for individual development projects. For the purpose of environmental compliance, "adjacent" shall be defined as directly abutting and shall not include uses separated by a street public or private right-of-way or designated open space area.

Mitigation Measure 1-6: Prior to the approval of any tentative "B" level tentative subdivision map (excluding any "A" level subdivision map for financing purposes only) allowing for residential development or other sensitive land uses on lands abutting active mining areas, the Applicant shall delineate on the plan or map a buffer zone (which might be inclusive of road right-of-way) from the edge of those active mining areas of a width and configuration acceptable to the City and the Applicant shall incorporate within that buffer zone solid fencing, with a minimum height of not less than six feet above finish grade, and landscaping of a type and intensity acceptable to the City.

Mitigation Measure 1-7: In order to avoid potential conflicts with the United States Forest Service's resource management plans, prior to the approval of any tentative tract map on lands abutting the National Forest, the Applicant shall prepare a land-line survey delineating the Project's boundaries relative to boundaries of the San Bernardino National Forest. The Applicant shall avoid disturbance to all public land survey monuments, private property corners, and forest boundary markers. In the event that any such land markers or monuments on National Forest System lands are destroyed by an act or omission of the Applicant, depending on the type of monument destroyed, the Applicant shall reestablish or reference same in accordance with: (1) the procedures outlined in the "Manual of Instructions for the Survey of the Public Land of the United States"; or (2) the specifications of the County Surveyor; or (3) the specifications of the Forest Service. Further, the Applicant shall ensure that any such official survey records affected are amended, as provided by law

Mitigation Measure 1-8: With the exception of Planning Area 15 which is subject to a 24-foot building setback requirements, unless otherwise approved by the responsible fire authority or a lesser setback is approved by the Director upon receipt of a use-specific application, design and development plans shall include a minimum 25-foot building setback from adjoining National Forest System lands. Landscape plans for the setback area shall, to the extent feasible, utilize plant materials indigenous to the San Bernardino National Forest.

- Since none of the recommended threshold criteria would be exceeded, as mitigated, the identified impact would be less than significant and no additional mitigation measures are recommended or required.

5.1.4 **<u>Land Use Impact 1-4</u>**: Proposed development activities upon the LCRSP property will be phased with Project build-out estimated to occur by 2030 or as required by an approved development agreement. It is estimated that construction will begin in Neighborhood I, followed by development in Neighborhoods II, III, and IV. Unless requisite infrastructure systems are sized to accommodate overall demand and operational prior to the commencement of each phase, infrastructure constraints and/or other unplanned environmental consequences may arise.

Finding: The City Council hereby makes Finding (1).

Facts in Support of Finding: The following facts are presented in support of this finding:

- Project-related and cumulative land-use impacts are addressed in Section 4.1 (Land Use) in the original FEIR and that analysis is incorporated by reference herein.
- Although the timing of certain components of the Project cannot be precisely defined because they may be subject to the above conditions and to market variables, no development activities can proceed pending the provision of adequate access and requisite services and systems.
- In recognition of those potential impacts and public policies, since the LCRSP does not explicitly delineate the timing of certain infrastructure improvements, a mitigation measure (Mitigation Measure 1-9) has been formulated to ensure that the sequencing of authorized land uses occurs in a manner and in a time period integrally linked to those infrastructure improvements and municipal serves required to adequately support the proposed land uses.

- **Mitigation Measure 1-9**: Prior to the approval of any tentative "B" level tentative subdivision map (excluding any "A" level subdivision map for financing purposes only), the Applicant shall submit documentation, acceptable to the City Engineer, demonstrating the availability of potable water supplies, the sufficiency of fire flow, and the capacity of wastewater conveyance and treatment systems to the area of and adequate to support the level of development that would be authorized within the tract map area and/or the Applicant's plans and performance schedule for the delivery, to the tract map area, of those requisite services and systems.

- Implementation of that measure would reduce potential infrastructure-based compatibility impacts to a less-than-significant level.

5.1.5 **Land Use Impact 1-5**: To the extent that land-use policies have been promulgated in response to the environmental effects of pre-existing uses and/or recognized environmental constraints and hazards, revisions to those policies that neglect and/or fail to appropriately respond to the existence of those effects, constraints, and hazards could place persons and property at substantial risk.

Finding: The City Council hereby makes Finding (1).

Facts in Support of Finding: The following facts are presented in support of this finding:

- Project-related and cumulative land-use impacts are addressed in Section 4.1 (Land Use) in the original FEIR and that analysis is incorporated by reference herein.
- As proposed, that portion of Neighborhood II located within Lytle Creek Wash would be designated "Open Space (OS)." Although the land-use designation would change from "Floodway (FW)" to "Open Space (OS), through the annexation of Neighborhood II, development in areas subject to flood hazards would be avoided and the area potentially subject to those hazards would be predominately retained as natural open space. The proposed "Open Space (OS)"

designation of the Lytle Creek Wash area promotes the retention of that area for both flood control and resource conservation purposes and would, therefore, be consistent with the County's existing "Floodway (FW)" designation.

- As proposed, that portion of Neighborhood III located within Lytle Creek Wash will be designated "Open Space (OS)." Although the land-use designation would change from "Floodway (FW)" to "Open Space (OS), through the annexation of Neighborhood II, development in areas subject to flood hazards would be avoided and the area potentially subject to those hazards would be predominately retained as natural open space. The proposed "Open Space (OS)" designation of the Lytle Creek Wash area promotes the retention of that area for both flood control and resource conservation purposes and would, therefore, be consistent with the County's existing "Floodway (FW)" designation.
- As proposed, that portion of Neighborhood IV located within Lytle Creek Wash will be designated "Open Space (OS)." Although the land-use designation would change from "Floodway (FW)" to "Open Space (OS), through the annexation of Neighborhood IV, development in areas subject to flood hazards would be avoided and the area potentially subject to those hazards would be predominately retained as natural open space.
- Section 17.16.020(B)(8) in Title 17 (Subdivisions) of the City Municipal Code stipulates that tentative tract maps submitted to the City shall include mapping indicating the "approximate location of all areas subject to inundation or storm water overflow and the location, width, and direction of flow of each watercourse." Based on the proposed flood control improvements, following annexation, the County's "Floodway (FW)" designation would no longer be applicable to the site. To the extent that such actions change FEMA's flood insurance rate map (FIRM) designation, the Applicant can petition FEMA for either a "conditional letter of map amendment" (CLOMA) or a "letter of map amendment" (LOMA).
- A mitigation measure (Mitigation Measure 1-10) has been formulated to ensure that any resulting residential development within the LCRSP boundaries would not unduly expose any newly-designated residential areas to unacceptable flood hazards.

- **Mitigation Measure 1-10**: If, as a result of the implementation of the proposed flood control improvements or other Applicant-initiated actions, the boundaries of the 100-year flood zone are modified or would likely be modified as a result thereof, the Applicant shall prepare and submit to the Federal Emergency Management Agency (FEMA), with proof of delivery to the City Engineer, a letter of map amendment (LOMA), including appropriate mapping and hydrologic analyses, requesting that FEMA revise the designation of affected on-site and off-site areas.

- Implementation of that measure would reduce potential effects related to recognized environmental constraints and hazards to a less-than-significant level.

5.1.6 **<u>Land Use Impact 1-6</u>**: Beyond the local level, regional plans have been formulated by regional planning organizations to guide development within the larger metropolitan area. Regional plans provide, if not a broader, a higher-tiered approach to addressing those environmental issues that extend beyond and across municipal boundaries. Local

projects that are inconsistent with regional plans can thwart or otherwise hinder the attainment of certain environmental goals and produce impacts extending beyond individual corporate limits.

Finding: The City Council hereby makes Finding (1) and determines that this potential impact is less than significant by implementation of project design features and/or compliance with existing laws and regulations, and therefore no mitigation measures are required or recommended.

Facts in Support of Finding: The following facts are presented in support of this finding:

- Project-related and cumulative land-use impacts are addressed in Section 4.1 (Land Use) in the original FEIR and that analysis is incorporated by reference herein.
- Projects that are "regionally significant" shall demonstrate to SCAG their consistency with a range of adopted regional plans and policies. The Project meets the State CEQA Guideline's standard for categorization as a "project of Statewide, regional, or areawide significance" (as replicated in SCAG's Intergovernmental Review Criteria 1-12).
- The "Compass Blueprint 2% Strategy" presents guidelines outlining how and where SCAG seeks to promote its "growth vision" for southern California's future. The "Compass Blueprint 2% Strategy" calls for modest changes to current land use and transportation trends on only two percent of the land area of the region. The strategy proposes increasing the region's mobility by encouraging transportation investments and land-use decisions that are mutually supportive, locating new housing near existing job and new jobs near existing housing, and encouraging transit-oriented development and promoting a variety of travel choices. The "Compass Blueprint 2% Strategy" essentially consists of developing pockets of "walkable" urban density connected by public transit service, especially rail.
- The LCRSP is generally consistent with the Compass Blueprint and, in the context of the policies presented therein, appears to further the regional planning efforts of SCAG. The Project may not, however, further SCAG's objectives with regards to jobs-housing relationship (Policy GVP 1.2). Because not all projects can or should include mixed-use development, project-specific attainment of a jobs-housing balance is not applicable to the assessment of individual development projects.
- The 2008 RTP emphasizes the importance of system management, goods movement, and innovative transportation financing. The plan strives to provide a regional investment framework to address the region's transportation and related challenges and looks to strategies that preserve and enhance the existing transportation system and integrate land use into transportation planning. The implementation plans presented in the 2008 RTP are based, in part, on the population, housing, and employment projections used by SCAG to assess regional growth over the 2008 RTP's planning period (2010-2035).
- The LCRSP is generally consistent with the 2008 RTP and, in the context of the policies presented therein, appears to further the regional planning efforts of SCAG.
- SCAG developed the 2008 RCP as a "planning framework for the development and implementation of guidelines applied to both the public and private sectors."

One of the stated "economic outcomes" outlined in the 2008 RCP is to "[i]ncrease the region's economic vitality and attractiveness by focusing housing and job additions in urban centers, employment centers, and transportation corridors, such that there will be a minimum of 35 percent of the region's housing growth and 32 percent of employment growth in these areas from their levels in 2005 by 2035."

- The LCRSP appears generally consistent with SCAG's 2008 RCP and, in the context of the policies presented therein, appears to further the regional planning efforts of SCAG.
- Since none of the recommended threshold criteria would be exceeded, the identified impact would be less than significant and no mitigation measures are recommended or required.

5.1.7 **Land Use Impact 1-7**: Implementation of the Project's land-use overlay districts, in lieu of the underlying land-use designation, could change the character of the proposed development, introduce new environmental impacts, and/or increase the severity of those environmental efforts anticipated as a result of the development of the underlying.

Finding: The City Council hereby makes Finding (1).

Facts in Support of Finding: The following facts are presented in support of this finding:

- Project-related and cumulative land-use impacts are addressed in Section 4.1 (Land Use) in the original FEIR and that analysis is incorporated by reference herein.
- Under the LCRSP, a number of land-use overlay districts would be created. In lieu of the underlying land use, planning areas containing an overlay designation could be developed for the use(s) authorized under that overlay.
- The "Single-Family Residential Overlay" (SFR Overlay) encompasses a number of planning areas presently designated "Open Space/Recreation (OS/R)," "Open Space/Joint Use (OS/JU)," "Elementary School (ES)," and "Elementary School/Middle School (ES/MS)" in Neighborhoods II and III. With the implementation of the SFR Overlay, the underlying land-use designations would be replaced by the land uses and development standards authorized under that overlay.
- Because the SRF Overlay does not result in the introduction of any additional land uses not otherwise authorized under the LCRSP and because a mitigation measure (Mitigation Measure 1-1) has been proposed to mitigation potential land-use conflicts associated with the proximal siting of uses with different operational characteristics, implementation of this overlay, in lieu of the underlying land-use district, would not result in the introduction of any additional land-use impacts not otherwise addressed herein.
- In Neighborhood II, the "High Density Residential Overlay" (HDR Overlay) encompasses a number of planning areas which are designated under the LCRSP as "Village Center Commercial (VC)" (PAs 89-91). With the implementation of the HDR Overlay, the underlying land-use designations would be replaced by the land uses and development standards authorized under that overlay.
- As authorized under the LCRSP, the HDR Overlay includes only high-density residential products, such as condominiums, stacked flats, podium units, and

apartments. The development standards for the "Multi-Family Residential (MFR) (18-28 du/ac)" shall apply to all uses with the HDR Overlay, except: (1) the density range shall be 25-35 dwelling units per acre; and (2) the maximum building height shall not exceed 55 feet. Authorized land uses within the SRF Overlay are, therefore, similar to those uses allowable under the "Multi-Family Residential (MFR) (18-28 du/ac)" and "High Density Residential (HDR) (25-35 du/ac)" districts.

- Because the HDR Overlay does not result in the introduction of any additional land uses not otherwise authorized under the LCRSP and because Mitigation Measure 1-1 has been proposed to mitigation potential land-use conflicts associated with the proximal siting of uses with different operational characteristics, implementation of this overlay, in lieu of the underlying land-use district, would not result in the introduction of any additional land-use impacts not otherwise addressed in the original FEIR.
- The "Park Overlay" (Park Overlay) is limited to a single planning area (PA 72) which is presently designated "Single-Family Residential 1 (SFR-1) (2-5 du/ac)." With the implementation of the Park Overlay all or a portion of the 35.7-acre underlying land-use designations would be replaced by a community park.
- Should the Park Overlay be implemented, the Lead Agency would envision the development of a large community park in PA 72 containing a number of multi-use athletic fields, comfort facilities, on-site parking, and other recreational uses.
- Because implementation of the Park Overlay would not result in the introduction of a new uses, would serve to expand the inventory of park acreage within the LCRSP area, and because the potential impacts of "transfer of development units" have been adequately addressed in the original FEIR, no significant land-use impacts would result therefrom.
- In addition to the overlays described above, the LCRSP proposed and the DEIR analyzed two other overlays: a General Warehouse Overlay and a Village Commercial Overlay and in order to mitigate potential impacts associated with the location of general warehouse uses proximate to residential uses, the DEIR proposed Mitigation Measure 1-11. Since circulation of the DEIR, however, the Applicant has revised the LCRSP to remove the General Warehouse Overlay and the Village Commercial Overlay and therefore adoption of Mitigation Measure 1-11 is no longer required.
- With implementation of the following mitigation measure, any potential environmental effects would be reduced to less than significant:

  Mitigation Measure 1-1: Development applications involving the construction of any of the permitted land uses identified in the specific plan and listed in the "General Land-Use Compatibility Matrix" (see Table 4.1-4 in the DEIR) shall be accompanied by the submittal to the Director of a site-specific and use-specific analysis that addresses the potential land-use conflicts identified therein and identifies the design measures (such as landscaping, screening, etc.), site planning measures (such as setbacks, massing), development standards in the LCRSP, and such other measures that will be employed to ensure compatibility among adjacent land uses. Development applications for conditionally permitted land uses within the Village Commercial Center designation, and other designations if necessary, shall submit a site-specific and use-specific analysis to the Director in the same manner as for permitted uses and shall also complete additional environmental review under the California Environmental Quality Act

(CEQA) if the proposed development may cause a new significant environmental impact that has not been fully analyzed and disclosed in accordance with CEQA. Should the resulting investigation indicate the absence of any significant environmental effects, the Director may administratively grant authorization for such use. However, if mitigation measures are identified, those measures shall be imposed as subsequent conditions of approval for individual development projects. For the purpose of environmental compliance, "adjacent" shall be defined as directly abutting and shall not include uses separated by a street public or private right-of-way or designated open space area.

5.1.8 **Land Use Impact 1-8**: Proposed is the annexation of that approximately 1,753.1-acre portion of the Project site presently located in unincorporated County into the City. To the extent that the proposed annexation failed to conform to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, annexation may be denied or delayed.

Finding: The City Council hereby makes Finding (1).

Facts in Support of Finding: The following facts are presented in support of this finding:

- Project-related and cumulative land-use impacts are addressed in Section 4.1 (Land Use) in the original FEIR and that analysis is incorporated by reference herein.
- Proposed is the annexation of that approximately 1,753.1-acre portion of the Project site presently located in unincorporated County jurisdiction into the City. All lands proposed for annexation are located in the City-adopted and Local Agency Formation Commission (LAFCO) approved northern Sphere of Influence. Annexation is subject to LAFCO review.
- LAFCO has raised a number of issues concerning items for which LAFCO may have jurisdictional authority, including issues regards identified "exclusion areas" (i.e., real property not included within the area of proposed annexation). LAFCO has commented that certain lands (which are neither included in the LCRSP nor identified as "off-site" areas beyond the boundaries of the proposed specific plan but nonetheless included in the EIR) need to be included in order to allow the annexation of contiguous lands to proceed and/or to avoid the creation of unincorporated "County islands" or "County pockets."
- In response to LAFCO's expressed concerns, the Lead Agency has formulated a recommended mitigation measure (Mitigation Measure 1-12) conditioning the recordation of any final subdivision map for lands within Neighborhoods I and IV upon the annexation of those lands into the City.

- **Mitigation Measure 1-12:** Prior to the recordation of any final subdivision map, including both "A" level and "B" level maps, for any portion of Neighborhoods I and IV, those areas shall be annexed into the City and such map shall not be effective until annexation of such property to the City has been completed to the satisfaction of the Director. If annexation has not been completed within one year of the approval of any tentative subdivision map for any portion of Neighborhoods I and IV, then the approval of such map shall be null and void. No subdivision of unincorporated lands shall be effected by approval of any map by the City unless annexation thereof to the City has been completed prior to the approval of the final map thereof.

- Implementation of Mitigation Measure 1-12 will reduce potential annexation impacts to a less than significant level.

5.1.9 **Land Use Impact 1-9**: Implementation of the Project in combination with those other related projects identified herein will result in the further urbanization of the general Project area, including the conversion of vacant or under-developed properties to higher-intensity land uses.

Finding: The City Council hereby makes Finding (1) and determines that this potential impact is less than significant by implementation of project design features and/or compliance with existing laws and regulations, and therefore no mitigation measures are required or recommended.

Facts in Support of Finding: The following facts are presented in support of this finding:

- Project-related and cumulative land-use impacts are addressed in Section 4.1 (Land Use) in the original FEIR and that analysis is incorporated by reference herein.
- The City and County are and will continue to undergo rapid urbanization in response to regional growth. With that urbanization, real property previously designated for open space, agriculture, or resource conservation will be or has already been redesignated in order to accommodate a range of residential and non-residential uses. With that conversion and subsequent intensification, the feasibility of returning those properties to their previous use diminishes or may be eliminated in its entirety.
- Independent of other economic variable, this trend will continue throughout the region throughout the life of the Project.
- A project would normally be deemed to produce a significant environmental effect if the project were to substantively conflict with any applicable land-use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating adverse environmental effects. The LCRSP Project (including the annexation of the Project site and the implementation of the land uses authorized thereunder) has been examined in the context of compliance with and conformity to applicable or potentially applicable land-use plans and policies and found to be generally consistent with and/or not in substantial conflict with those requirements.
- Since none of the recommended threshold criteria would be exceeded, the identified impact would be less than significant and no mitigation measures are recommended or required.

5.2 Population and Housing

5.2.1 **Population and Housing Impact 2-1**: During the build-out period of the Project, an estimated 5,588 new on-site construction jobs would be created.

Finding: The City Council hereby makes Finding (1) and determines that this potential impact is less than significant by implementation of project design features and/or

compliance with existing laws and regulations, and therefore no mitigation measures are required or recommended.

Facts in Support of Finding: The following facts are presented in support of this finding:

- Project-related and cumulative population and housing impacts are addressed in Section 4.2 (Population and Housing) in the original FEIR and that analysis is incorporated by reference herein.
- For the purpose of CEQA analysis, it was assumed that, based on the methodology presented in the original FEIR, that an estimated 5,502 to 5,588 new on-site construction jobs would be created by the Project.
- As reported by the California Building Industry Association (CBIA), for every dollar spent on new construction, another $0.80 in total economic activity is generated. Each job created through residential construction supports an additional 1.2 jobs. Based on that multiplier, the number of new construction-related may be on the order of 12,294 (5,588 + 6,706) jobs.
- As estimated by the CBIA, each new housing unit constructed results in the creation of 2.78 total direct, indirect, and induced jobs. The Project's 8,407 units would, therefore, result in the creation of approximately 23,370 total direct, indirect, and induced jobs.
- Based on the recent down-turn in the national, State, and local economies, including unemployment rates, both direct (primary) job creation and the indirect and induced (secondary) economic impacts of new construction activities should be seen as a beneficial impact.
- Since none of the recommended threshold criteria would be exceeded, the identified impact would be less than significant and no mitigation measures are recommended or required.

5.2.2 **Population and Housing Impact 2-2**: Project implementation will increase the City's population and housing inventory and add new employment opportunities within the City. At build-out, an estimated 32,720 individuals may reside on the site in 8,407 dwelling units. Excluding on-site schools, recreational facilities, and any indirect or induced (secondary) jobs, proposed non-residential development may result in an estimated 3,398 primary, on-site employment opportunities.

Finding: The City Council hereby makes Finding (1) and determines that this potential impact is less than significant by implementation of project design features and/or compliance with existing laws and regulations, and therefore no mitigation measures are required or recommended.

Facts in Support of Finding: The following facts are presented in support of this finding:

- Project-related and cumulative population and housing impacts are addressed in Section 4.2 (Population and Housing) in the original FEIR and that analysis is incorporated by reference herein.
- Population and jobs growth are the typical by-products of new development
- Although subject to change and refinement based on the proposed land-use flexibility that would be authorized under the LCRSP, the nature of the resulting job-producing land uses, and the demographics of Project area residents, a general estimate of the Project's jobs-housing balance can be formulated.

Assuming a total of 849,420 square feet of commercial, office, business park, light industrial and manufacturing, general warehousing, and other similar uses and aplying a ratio of one direct job for every 250 square feet of commercial, professional, and light industrial use, a total of 3,398 direct jobs would be generated by the Project.

- The ratio of total (direct, indirect, and induced) effects to direct effects is often called the "economic multiplier." Multipliers represent a quantitative expression of the extent to which some initial, "exogenous" force or change is expected to generate additional effects through the interdependencies that exist in the economy or "endogenous" linkage system. Multipliers are predicated upon a domino theory of economic change. They translate the consequences of change in one variable upon others, taking account of sometimes complicated and roundabout linkages. Assuming a low-end of the multiplier scale based on the nature of the anticipated direct employment attributable to the Project, assuming a multiplier effect of 1.5, the Project's estimated 3,398 primary jobs would result in an additional 5,097 indirect and induced jobs, resulting an estimated total of 8,495 direct, indirect, and induced jobs.
- Since none of the recommended threshold criteria would be exceeded, the identified impact would be less than significant and no mitigation measures are recommended or required.

5.2.3 **Population and Housing Impact 2-3**: If not adequately considered in the derivation of existing regional plans, project-related increases in population, housing, and/or employment could impede the attainment of regional objectives by introducing additional unplanned growth which has not sufficiently accounted for in the formulation of the implementation strategies presented in those plans.

Finding: The City Council hereby makes Finding (1) and determines that this potential impact is less than significant by implementation of project design features and/or compliance with existing laws and regulations, and therefore no mitigation measures are required or recommended.

Facts in Support of Finding: The following facts are presented in support of this finding:

- Project-related and cumulative population and housing impacts are addressed in Section 4.2 (Population and Housing) in the original FEIR and that analysis is incorporated by reference herein.
- SCAG projects that, between 2010 and 2030 (a time period corresponding with the build-out of the Project), the population of the City will increase by 28,996 individuals. Excluding all other development and/or redevelopment that could occur during that time period, the Project's 32,720 residents represent about 112.8 percent of the projected Citywide population increase. However, during that same period, SCAG projects that the population of the County will increase by 775,704 individuals. Since it must be assumed that SCAG's population projections are not based on any jurisdictional reorganizations, such as annexation of County lands, the Project's percentage contribution (4.2 percent) to that Countywide increase is minimal.
- At the City level, between 2010 and 2030, SCAG projects that 10,121 new households will be created in the City. Excluding all other development and redevelopment that could occur during that time period, the Project's 8,407 new

dwelling units represents about 83.1 percent of all SCAG-projected new households within the City. However, during that same period, SCAG projects that 277,327 new households will be formed within the County. The Project's percentage contribution (3.0 percent) to that Countywide increase is minimal.

- At the City level, between 2010 and 2030, SCAG projects that a total of 14,063 new jobs will be created will be created in the City. Excluding all other development and/or redevelopment that could occur during that time period, the Project's 3,398 new primary jobs represents about 24.2 percent of all new employment opportunities projected to occur within the City over that 20-year build-out period. However, during that same period, SCAG projects that 324,727 new jobs will be created within the County. The Project's percentage contribution (1.0 percent) to that Countywide increase is minimal.
- Because the Project involves two jurisdictional areas, the Project's contribution to population, households, and employment should also be examined in the context of both unincorporated County areas and the City. Between 2010 and 2030, SCAG projects that the population of that combined unincorporated County and incorporated City area will increase by a total of 144,920 individuals, that a total of 59,723 new households will be established, and that a total of 38,092 new jobs will be created. Excluding all other development and/or redevelopment that could occur within unincorporated County and incorporated City areas during that time period, the Project represents about 22.6 percent of the total population growth assigned to the unincorporated County by SCAG. The number of proposed dwelling units represents about 14.1 percent of all SCAG-projected new households within those unincorporated areas. The number of new primary jobs likely to occur on the Project site represents about 8.9 percent of all new employment opportunities projected to occur within unincorporated County and incorporated City areas over that 20-year build-out period. Because the Project represents less than 25 percent of the projected population, household, and employment growth projected over that time period, the impact is less than significant and no mitigation measures are required or recommended.
- Since none of the recommended threshold criteria would be exceeded, the identified impact would be less than significant and no mitigation measures are recommended or required.

5.2.4 **Population and Housing Impact 2-4**: Local land-use decisions can either positively or adversely influence the ability of public agencies to promote the attainment of the State's goal of a suitable living environment and decent housing for all Californians.

Finding: The City Council hereby makes Finding (1) and determines that this potential impact is less than significant by implementation of project design features and/or compliance with existing laws and regulations, and therefore no mitigation measures are required or recommended.

Facts in Support of Finding: The following facts are presented in support of this finding:

- Project-related and cumulative population and housing impacts are addressed in Section 4.2 (Population and Housing) in the original FEIR and that analysis is incorporated by reference herein.
- As indicated in Section 65580(a) of the CGC: "The availability of housing is of vital Statewide importance, and the early attainment of decent housing and a

suitable living environment for every Californian, including farmworkers, is a priority of the highest order." As further indicated in Section 65580(d) therein, both local and State "governments have a responsibility to use the powers vested in them to facilitate the improvement and development of housing to make adequate provision for the housing needs of all economic segments of the community." In recognition of these policies, the State Legislature declared its intent to assure that counties and cities recognize their responsibilities in contributing to the attainment of the State housing goal and to require that counties and cities prepare and implement housing elements to move toward the attainment of the State housing goal.

- As stipulated under Section 65583 of the CGC, housing elements are required to contain specific information with regards to housing needs, make adequate provisions for existing and projected housing needs, and present an inventory of resources and constraints relevant to the meeting of those needs.
- Through the elimination of existing environmental and development constraints and changes to existing general plan and zoning provisions, the Project's implementation will increase the inventory of "land suitable for residential development" and/or increase the intensity and developability of those lands subject to the LCRSP.
- Adoption of the LCRSP and development agreement, in combination with the Applicant's provision of infrastructure improvements, will result in the remove of certain government constraints that impede the provision of new housing opportunities and will promote the expansion of additional housing addressing identifiable regional needs.
- State requirements and "green" building standards require a greater emphasis on energy conservation. Similarly, mitigation measures have been formulated requiring further energy conservation efforts. As such, adoption of the LCRSP will facilitate the provision of suitable housing while, at the same time, prompting energy conservation.
- While the LCRSP does not explicitly include provisions requiring the provision of housing for any economic segment, by including a range of product types and allowable densities, a diversity of housing products will be providing. As residential densities increase, increased opportunities exist to address the housing needs of a broader economic segment of the population.
- Implementation of the Project will positively influence the ability of to City to promote the attainment of the State's goal of a suitable living environment and decent housing for all Californians. The Project will have a beneficial impact relative to housing supply and availability.
- Since none of the recommended threshold criteria would be exceeded, the identified impact would be less than significant and no mitigation measures are recommended or required.

5.2.5 **Population and Housing Impact 2-5**: By increasing the City's housing stock, absence a corresponding and proportional increase in long-term employment opportunities, Project implementation, in combination with cumulative development, could contribute to a jobs-housing imbalance.

Finding: The City Council hereby makes Finding (1) and determines that this potential impact is less than significant by implementation of project design features and/or

compliance with existing laws and regulations, and therefore no mitigation measures are required or recommended.

Facts in Support of Finding: The following facts are presented in support of this finding:

- Project-related and cumulative population and housing impacts are addressed in Section 4.2 (Population and Housing) in the original FEIR and that analysis is incorporated by reference herein.
- In 2010, the jobs-housing ratio is the City is projected to be 0.96. In 2030, with the annexation of the Project site, the jobs-housing ratio in the City is projected to remain at 0.96. As a result, the Project would have no substantial impact when examined from a 2010 and 2030 snapshot.
- Since none of the recommended threshold criteria would be exceeded, the identified impact would be less than significant and no mitigation measures are recommended or required.

5.3 Geology and Soils

5.3.1 **Geology and Soils Impact 3-1**: The Project site contains State-designated Alquist-Priolo Fault-Rupture Hazards Zones. Seismic events occurring along these active fault zones, as well as other seismic events reasonably predictable throughout the area and over the life of the Project, will expose people and property to potential surface rupture, ground shaking, and other seismic risks.

Finding: The City Council hereby makes Finding (1).

Facts in Support of Finding: The following facts are presented in support of this finding:

- Project-related and cumulative geotechnical hazards impacts are addressed in Section 4.3 (Geology and Soils), in Appendix III-A (Geotechnical Review), and in Appendix III-B (Mineral Resources Evaluation) in the original FEIR and that analysis is incorporated by reference herein.
- Using standard-of-practice methodology, based on the Alquist-Priolo field investigations, active faults and habitable structure setback zones have been identified in Neighborhoods I, II, and III.
- Programmatic fault investigations and geotechnical reviews conducted by GeoSoils, Inc. (GSI) have noted that active faults in Neighborhoods II and III Project toward residential PA 98 (Neighborhood II) and open space/recreational PAs 95 and 97 (Neighborhood II). Future investigation in PA 98 is recommended to evaluate residential development constraints attributable to the possible presence of active faults. Additional investigations are also recommended in PAs 95 and 97 to evaluate potential constraints owning to active faults where structures for human occupancy are proposed.
- Potential seismic hazards associated with an earthquake event are separately discussed below.
    - *Ground rupture*. In recognition of the presence of active earthquake faults on the Project site, the potential for ground rupture during a seismic event is greatest along the northeasterly corner of the property. Once more detailed studies have been conducted and development adequately

setback from the fault zone, the potential for ground rupture affecting future residential uses would be remote. Since development is now earmarked to occur within an Alquist-Priolo Fault-Rupture Hazard Zone, site development in the manner now proposed could expose people or structures to potential adverse effects, including those attributable to fault rupture and seismically-induced ground failure.

- *Ground shaking*. Earthquakes that could occur throughout the region have the potential to produce substantial ground movement, generating maximum accelerations near 1.0g. Severe ground shaking, as is possible at the site, can damage structures or cause significant secondary seismic hazards. GSI also notes the potential for co-seismic ground deformation, such as ground lurching, ground cracks, and associated surface deformation or subsidence/uplift at active faults. Ground shaking can also directly cause extensive structural damage through failure along bedding planes and through damage to improperly designed and constructed structures.
- *Liquefaction*. GSI preliminarily identified a high potential for liquefaction in alleviated areas of Neighborhood I. The high potential classification is based on the presence of shallow groundwater in alluvial areas of Neighborhood I and observation of paleo-liquefactions features in some fault trenches. GSI also preliminarily classified the alluvial areas of Neighborhoods II, III, and IV as having a low potential for liquefaction. The USGS has indicated that much of Neighborhood IV is potentially located in an area with high ground-failure potential susceptibility to liquefaction and that much of Neighborhood III is potentially located in a moderately high to moderate ground-failure potential liquefaction susceptibility area.
- *Landslide, slope creep, and significant surficial failure*. No indications of seismically induced or deep-seated landsliding, slope creep, or significant surficial failures on the Project site were observed during field work conducted by GSI in 1994, 2006, and 2007. However, slope failures have been recorded by LOR Geotechnical, Inc. (1994) in the Sycamore Canyon area of Neighborhood I, bordering the west side of PA 3. According to Morton and Matti (2001), the greenstone facies of the Pelona Schist is landslide prone. Cohesionless natural sediments, and proposed fills within the LCRSP should be considered erosive.
- *Debris flow, flooding, and inundation*. Much of the LCRSP is subject to debris flow, flooding, and inundations. GSI indicates that the potential for large debris flows within drainages and tributary canyons is moderate to high under present soil cover, vegetation, and excessive precipitation conditions and may be further exacerbated in burn areas. Low-lying areas of the Project site are underlain by alluvial deposits that owe their origin, at least in part, to irregular flooding. In consideration of the potential for prolonged rainfall, possible brush fires, and vegetation denudation, GSI recommend that the Project civil engineer consider using debris, desilting, and detention basins and/or debris impact walls with sufficient freeboard where swales or their watershed intersect the proposed development. GSI further recommends that the Project's civil engineer evaluate the site for flooding associated with catastrophic failure

of flood control devices and up-gradient water-storage tanks and aqueduct during an earthquake.

- *Seiche*. Considering that the site is located within and in close proximity to significant seismic zones and proposed development likely includes the construction of water features, there is a high potential for seiching and associated down-gradient flooding within Neighborhood II. GSI recommends that this potential be evaluated when the location and the side and bottom configurations of any proposed water features become available. Seiche potential for any up-gradient or adjacent existing lakes should also be evaluated.

- Surface fault rupture and subsidence/uplift is inherently mitigated by the approved habitable structure setback zones (avoidance). The effects of seismic shaking and ground deformation can be mitigated by proper design and adherence to applicable building codes, as well as current standards of practice. Mitigation of slope stability issues is typically obtained by one or a combination of the following: buttresses, catchment or stabilization fills, retaining walls, gabions, catchment berms, or slope laybacks, and constructing fill slopes with appropriate code-compliant factors of safety, in accordance with the State Mining Geology Board's (SMGB) "Guidelines for Evaluating and Mitigating Seismic Hazards in California, Special Publication No. 117" (Special Publication 117), UBC standards, and local ordinances. Mitigation of debris flows, flooding, inundation, and seiching should be in accordance with current UBC and standards of practice and in accordance with the recommendations of the project design civil engineer. Geologic and geotechnical issues can be mitigated with a variety of accepted practices and designs.
- In recognition of the presence of potential geological and geotechnical hazards, a number of mitigation measures (Mitigation Measure 3-1 through Mitigation Measure 3-3) were included in the original FEIR. As discussed above, these measures were found to constitute improperly deferred mitigation. Mitigation Measures 3-1, 3-2, and 3-3 have been revised to ensure that all development activities will be proceeded by site-specific, design-level geotechnical and geologic investigations approved by the City Engineer and that parcel-specific and use-specific conditions, recommendations and/or measures will be established in accordance with specified standards. These revised mitigation measures will provide reasonable assurance of an acceptable level of structural integrity and protection to site occupants and fully comply with CEQA.

  Mitigation Measure 3-1: All development activities conducted on the Project site shall be consistent with the following:

  (1) The recommendations contained in the following studies: "EIR Level Geotechnical Review, Lytle Creek Ranch Land Use Plan, City of Rialto, San Bernardino County, California" (GeoSoils, Inc., May 22, 2008) and "Updated Geological and Geotechnical EIR Level Review of Documents Pertaining to the Lytle Creek Ranch Land Use Plan, City of Rialto, County of San Bernardino, California" (Pacific Soils Engineering, Inc., September 3, 2008), including but not limited to measures such as those listed below, provided the recommendations meet the conditions specified in Subsection (3) of this Mitigation Measure.

  - Use of engineered foundation design and/or ground-improvement techniques in areas subject to liquefaction-induced settlement;

- Use of subdrains in canyon areas or within fill lots underlain by bedrock;

- Use of buttress or stabilization fills with appropriate factors-of-safety (including placing compacted non-structural fill against existing slopes subject to erosion/failure);

- Engineering design incorporating post-tension/structural slabs, mat, or deep foundations;

or

(2) Alternative recommendations based on the findings of a site-specific, design-level geologic and geotechnical investigation(s) and approved by the City Engineer, including but not limited to the use of proven methods generally accepted by registered engineers to reduce the risk of seismic hazards to a less than significant level, provided such recommendations meet the conditions specified in Subsection (3) of this Mitigation Measure.

(3) All recommendations shall comply with or exceed applicable provisions and standards set forth in or established by:

(a) California Geological Survey's "Guidelines for Evaluating and Mitigating Seismic Hazards in California, Special Publication No. 117" (Special Publication 117);

(b) The version of the Uniform Building Code (UBC), as adopted and amended by the City of Rialto, in effect at the time of approval of the investigation(s) by the City Engineer;

(c) Relevant State, County and City laws, ordinances and Code requirements; and

(d) Current standards of practice designed to minimize potential geologic and geotechnical impacts.

Mitigation Measure 3-2: Prior to the approval of a tentative "B" level subdivision map for residential or commercial development proposed as part of the Project (excluding any "A" level subdivision map for financing purposes only), the Project Applicant shall:

(1) Submit to the City of Rialto Building & Safety Division a site-specific, design-level geotechnical and geologic investigation(s) prepared for the Project by a registered geotechnical engineer. The investigation(s) shall comply with all applicable State, County and City Code requirements and:

(a) Document the feasibility of each proposed structure and its associated use based on an evaluation of the relevant geotechnical, geologic, and seismic conditions present at each structure's location using accepted methodologies. Included in this documentation shall be verification of soil

conditions (including identification of organic and oversized materials) and a specific evaluation of collapsible and expansive soils;

(b) Determine structural design requirements prescribed by the version of the UBC, as adopted and amended by the City of Rialto, in effect at the time of approval of the investigations(s) by the City Engineer, to ensure the structural integrity of all proposed development; and

(c) In addition to the recommendations included in Subsections (1) and (2) of Mitigation Measure 3-1, include site-specific conditions, recommendations, and/or measures designed to minimize risks associated with surface rupture, ground shaking, soil stability (including collapsible and expansive soils), liquefaction, and other seismic hazards, provided such conditions, recommendations, and/or measures meet the conditions set forth in Subsection (3) of Mitigation Measure 3-1. Such measures shall specify liquefaction measures such as deep foundations extending below the liquefiable layers, soil cover sufficiently thick over liquefaction soil to bridge liquefaction zones, dynamic compaction, compaction grouting, and jet grouting. In accordance with Special Publication No. 117, other measures may include edge containment structures (e.g., berms, retaining structures, and compacted soil zones), removal or treatment of liquefiable soils, reinforced shallow foundations, and other structural design techniques that can withstand predicted displacements.

(2) Unless otherwise modified, all conditions, recommendations and/or mitigation measures contained within the geotechnical and geologic investigation(s), including the imposition of specified setback requirements for proposed development activities within Alquist-Priolo Earthquake Fault Zones, shall become conditions of approval for the requested development.

(3) The Project structural engineer shall: review the geotechnical and geologic investigation(s); provide any additional conditions, recommendations and/or mitigation measures necessary to meet UBC requirements; incorporate all conditions, recommendations and/or mitigation measures from the investigation(s) in the structural design plans; and ensure that all structural plans for the Project meet the requirements of the version of the UBC, as adopted and amended by the City of Rialto, in effect at the time of approval of the investigation(s) by the City Engineer.

(4) The City Engineer shall: review the geotechnical and geologic investigation(s); approve the final report; and require compliance with all conditions, recommendations and/or mitigation measures set forth in the investigation(s) in the plans submitted for grading, foundation, structural, infrastructure and all other relevant construction permits.

(5) The City Building & Safety Division shall: review all Project plans for grading, foundation, structural, infrastructure and all other relevant construction permits to ensure compliance with the applicable geotechnical and geologic investigation(s) and other applicable Code requirements.

Mitigation Measure 3-3: In recognition of the potential lateral forces exerted by predicted seismic activities, habitable structures that may be located on the Project Site and which are located within the defined Alquist-Priolo Fault-Rupture Hazard Zones shall not be over two stories in height. Habitable structures of greater height within defined Alquist-Priolo Fault-Rupture Hazard Zones may only be authorized following the submittal of a subsequent site-specific, design-level geologic and geotechnical investigation(s) and its approval by the City Engineer and, at a minimum, the imposition of both the recommendations contained therein and such additional conditions as may be imposed by the City Engineer, including but not limited to the use of proven methods generally accepted by registered engineers to reduce the risk of seismic hazards to a less than significant level, provided such recommendations meet the conditions specified in Mitigation Measure 3-1, Subsection (3).

- Implementation of those mitigation measures, as well as Mitigation Measure 3-4 regarding the preparation of seismic hazard zone maps for the Project, discussed below, will reduce potential geologic, geotechnical, and seismic impacts to below a level of significance. .

5.3.2 **Geology and Soils Impact 3-2**: Project implementation will involve extensive earthwork. Unless conducted in a manner in keeping with the existing characteristics of the site and in light of the nature of the proposed development, soil conditions could result in stability problems that would adversely impact the structural integrity of proposed improvements.

Finding: The City Council hereby makes Finding (1).

Facts in Support of Finding: The following facts are presented in support of this finding:

- Project-related and cumulative geotechnical hazards impacts are addressed in Section 4.3 (Geology and Soils), in Appendix III-A (Geotechnical Review), and in Appendix III-B (Mineral Resources Evaluation) in the original FEIR and that analysis is incorporated by reference herein.
- Grading activities, as required to create the site's "super pads," street system, utility network, and for the construction of requisite public facilities will alter not only the site's existing physiography but will modify near-surface geology through soil removal, reconfiguration of the site's existing topography, and compaction. The earthwork required to implement the proposed development is estimated to be approximately 4.0 million cubic yards and, with the exception of the required removal of organic material and larger material that cannot or should not be used for fill, is intended to be balanced on the Project site.
- Typical cut-and-fill grading techniques would be utilized to prepare the site for construction of approximately 56 mass graded pads that will accommodate proposed land uses.
- With the exception of the Sycamore Canyon area, the site is underlain by alluvial and wash deposits or granular sedimentary deposits. The young alluvial and wash deposits are generally course and may locally be considered susceptible to collapse upon wetting (hydrocompaction).
- Expansive soils are not well represented. As a result, expansive soils are not likely to represent a significant hazard.

- In recognition of the presence of potential geological and geotechnical hazards, a number of mitigation measures (Mitigation Measure 3-1 through Mitigation Measure 3-3, set forth above) have been formulated to ensure that all development activities likely to occur on the Project site will be proceeded by design-level engineering studies acceptable to the City Engineer and that parcel-specific and use-specific conditions will be established which provide reasonable assurance of an acceptable level of structural integrity and protection to site occupants.
- Implementation of those measures will reduce potential geologic and geotechnical impacts to a less-than-significant level.

5.3.3 **Geology and Soils Impact 3-3**: On-site grading operations will disrupt surface soils and increase the potential for air and water-borne erosion.

Finding: The City Council hereby makes Finding (1) and determines that this potential impact is less than significant by implementation of project design features and/or compliance with existing laws and regulations, and therefore no mitigation measures are required or recommended.

Facts in Support of Finding: The following facts are presented in support of this finding:

- Project-related and cumulative geotechnical hazards impacts are addressed in Section 4.3 (Geology and Soils), in Appendix III-A (Geotechnical Review), and in Appendix III-B (Mineral Resources Evaluation) in the original FEIR and that analysis is incorporated by reference herein.
- Project grading activities will involve the removal of vegetative cover, excavation, fill, and recompaction. Impacts to soils include accelerated erosion and downslope deposition and increased potential for surficial sliding and slumping. Compaction of soils by heavy equipment may reduce the infiltration capacity of on-site soils and deprive soil and vegetation of water, thereby increasing the potential for runoff and erosion.
- Grading activities shall occur in a manner that seeks to provide the maximum feasible sediment control.
- Since none of the recommended threshold criteria would be exceeded, the identified impact would be less than significant and no mitigation measures are recommended or required.

5.3.4 **Geology and Soils Impact 3-4**: Liquefaction susceptibility within the proposed development area is classified as non-susceptible and highly susceptible in Neighborhoods I and II, non-susceptible to highly susceptible in Neighborhood III, and non-susceptible and medium to highly susceptible in Neighborhood IV.

Finding: The City Council hereby makes Finding (1).

Facts in Support of Finding: The following facts are presented in support of this finding:

- Project-related and cumulative geotechnical hazards impacts are addressed in Section 4.3 (Geology and Soils), in Appendix III-A (Geotechnical Review), and in Appendix III-B (Mineral Resources Evaluation) in the original FEIR and that analysis is incorporated by reference herein.

- During an earthquake, seismic waves travel through and vibrate the ground. In cohesionless granular material having low relative density (e.g., loose sandy sediment), this vibration can disturb the particle framework, leading to increased compaction of the material and reduction of pore space between the framework grains. If the sediment is saturated, water occupying the pore spaces resists this compaction and exerts pore pressure that reduces the contact stress between the sediment grains. With continued shaking, transfer of intergranular stress to pore water can generate poor pressures greater enough to cause the sediment to lose its strength and change from a solid state to a liquefied state. This mechanism can cause various kinds of ground failure at or near the surface (e.g, lateral spreads, flow failures, ground oscillation, and loss of bearing strength). The liquefaction process typically occurs at depths less than 50-feet subsurface, although the most susceptible conditions occur at depths shallower than 30-feet subsurface.
- Historic groundwater levels in a well near Neighborhoods I and IV indicated that groundwater levels alternated between about 19 and 108 feet between 1919 and 2000. In addition, seeps and standing water (likely perched water) were encountered during programmatic subsurface explorations at the Project site.
- In recognition of the presence of potential geological and geotechnical hazards, a number of mitigation measures (Mitigation Measure 3-1 through Mitigation Measure 3-3, set forth above and herein incorporated by reference) have been formulated to ensure that all development activities likely to occur on the project site will be proceeded by design-level engineering studies acceptable to the City Engineer and that parcel-specific and use-specific conditions will be established which provide reasonable assurance of an acceptable level of structural integrity and protection to site occupants.
- Implementation of those measures will reduce potential geologic and geotechnical impacts to a less-than-significant level.

5.3.5 **Geology and Soils Impact 3-5**: A substantial portion of the Project site is designated MRZ-2, indicating that the Project site contains aggregate resources of regional significance. The Project will impact the MRZ-2 classified resources by less than one (0.4) percent. This resource elimination will not affect other available resources in the region. As such, the Project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State.

Finding: The City Council hereby makes Finding (1) and determines that this potential impact is less than significant by implementation of project design features and/or compliance with existing laws and regulations, and therefore no mitigation measures are required or recommended.

Facts in Support of Finding: The following facts are presented in support of this finding:

- Project-related and cumulative geotechnical hazards impacts are addressed in Section 4.3 (Geology and Soils), in Appendix III-A (Geotechnical Review), and in Appendix III-B (Mineral Resources Evaluation) in the original FEIR and that analysis is incorporated by reference herein.
- The Project site includes mineral resources that have been classified by the DMG under the Surface Mining and Reclamation Act of 1975 (SMARA), as codified in Section 2710 *et seq*. in Chapter 9 of Division 2 of the PRC, as mineral

resource zone (MRZ) 2. MRZ-2 constitutes areas where adequate information indicates that significant mineral deposits are present or where it is judged that a high likelihood for their presence exists.

- The Project site is located within the San Bernardino Production-Consumption Region (San Bernardino P-C Region). The San Bernardino P-C Region is comprised of "nine major MRZ-2 areas, divided into 127 smaller areas.
- About 2,030 acres of the LCRSP property is currently designated as MRZ-2. Based solely on surface acreage, the site represents about 29.6 percent of the 10.7 square mile area comprising "Sector B" and approximately 2.7 percent of the 116 square mile MRZ-2-designated area located within the entire San Bernardino P-C Region. Within the San Bernardino P-C Region, 10.5 billion tons of aggregate resources have been identified.
- As proposed, the LCRSP does not contain plans for the excavation of aggregate materials with the intent of salvaging these materials for commercial application. The feasibility of extracting construction aggregate from portions of the Project site is highly constrained due to the presence of existing infrastructure such as Lytle Creek Road, the I-15 Freeway, the Sierra Avenue freeway ramps, the I-15 Freeway bridge structure; the need to address hydrogeologic conditions and sensitive habitat areas; and the proximity to existing residential areas.
- Under the provisions of a recorded "declaration of covenants, conditions and restrictions," as recorded with the County Clerk of the County of San Bernardino on July 29, 1992 (Instrument No. 92-314964), the Applicant's rights and the rights of subsequent holders of real property interests, to engage in surface mining activities on all or portions of the Project site have been restricted for a period of 35 years from the date of execution of that agreement. That 35-year period would generally end on July 28, 2027
- The Project may potentially remove an estimated 41 million tons of aggregate resources from the MRZ-2 zone. When comparing the approximate 10.5 billion tons of resources (non-permitted) to the 41 million tons of aggregate resources potentially removed from the MRZ-2 zone by the Project, the Project represents about 0.4 percent of the total estimate of MRZ-2 resources identified within the San Bernardino P-C Region. The Project's impact on aggregate resources would, therefore, be less than significant.
- Since none of the recommended threshold criteria would be exceeded, the identified impact would be less than significant and no mitigation measures are recommended or required.

5.3.6 **Geology and Soils Impact 3-6**: During the life of the Project, lands and structures within the Project site will be subject to periodic seismic events from localized and regional earthquake faults, producing the potential for damage to property, to the improvements located thereupon, and resulting in health and safety risks to site occupants.

Finding: The City Council hereby makes Finding (1).

Facts in Support of Finding: The following facts are presented in support of this finding:

- Project-related and cumulative geotechnical hazards impacts are addressed in Section 4.3 (Geology and Soils), in Appendix III-A (Geotechnical Review), and in Appendix III-B (Mineral Resources Evaluation) in the original FEIR and that analysis is incorporated by reference herein.

- During the life of the Project, on-site structures will be subjected to seismic events. As required by State law, certain California Department of Real Estate (DRE) disclosure obligations are imposed which serve to inform perspective purchasers of the presence of on-site and near-site conditions that could materially affect either the value of property or the wellbeing of site occupants. In accordance with those pre-existing requirements, perspective purchasers will receive notification of the presence of those geologic, geotechnical, and seismic conditions that affect both the site and the region. So informed, purchasers will be able to make an informed decision concerning their voluntary election to purchase property within the proposed development.
- DRE disclosure requirements presently include, but are not limited to, the presence of an Alquist-Priolo earthquake fault zone and seismic hazard maps, as prepared by the State Geologist under the provisions of the Seismic Hazard Mapping Act (Sections 2690-2698.6, PRC). The Project site is located in the USGS's Devore 7.5-Minute Topographic Quadrangle. Seismic hazard zone maps encompassing the Project site have not yet been prepared for that quadrangle by the State Geologist.
- This potentially significant effects will be mitigated through implementation of Mitigation Measures 3-1 to 3-3 above. In addition, Mitigation Measure 3-5 has been formulated requiring that, at a minimum, prospective purchasers of real property within the LCRSP be provided a copy of San Bernardino County General Plan – Hazard Overlay Map or be provided with similar information disclosing the potential presence of proximal earthquake faults, seismic hazards, liquefaction susceptibility, and earthquake-induced landslide susceptibility. The inclusion of this recommended measure does not replace, negate, or otherwise alter any existing obligations between sellers, their agencies, and prospective purchases as may be established by the DRE or under State law.

  Mitigation Measure 3-4: At a minimum, pending the development of seismic hazard zone maps encompassing the Project site by the State Geologist under the Seismic Hazard Mapping Act (Sections 2690-2698.6, Public Resources Code), prospective purchasers of real property within the LCRSP shall be provided a copy of San Bernardino County General Plan – Hazard Overlay Map or similar information disclosing the potential presence of seismic hazards, including liquefaction susceptibility and earthquake-induced landslide susceptibility. This condition does not replace, negate, or otherwise alter any existing obligations between sellers, their agencies, and prospective purchases as may be established by the California Department of Real Estate or under State law.

- Implementation of all of the recommended mitigation measures will reduce this potentially significant effect to less than significant.

5.3.7 **<u>Geology and Soils Impact 3-7</u>**: Other projects located within proximity of the proposed development will be subjected to similar seismic forces and their associated hazards, subjecting those structures, improvements, and site occupants to potential seismic risks.

<u>Finding</u>: The City Council hereby makes Finding (1) and determines that this potential impact is less than significant by implementation of project design features and/or

compliance with existing laws and regulations, and therefore no mitigation measures are required or recommended.

Facts in Support of Finding: The following facts are presented in support of this finding:

- Project-related and cumulative geotechnical hazards impacts are addressed in Section 4.3 (Geology and Soils), in Appendix III-A (Geotechnical Review), and in Appendix III-B (Mineral Resources Evaluation) in the original FEIR and that analysis is incorporated by reference herein.
- Geotechnical impacts are generally site-specific in nature.
- Adequate control measures have been formulated by State and local governmental entities to ensure that all public and private structures are constructed and maintained in recognition of site-specific, area-specific, and regional geologic, geotechnical, and seismic conditions. With regards to seismicity, geologic, geotechnical, and soils considerations, compliance with applicable UBC standards, local ordinances, and associated permit-agency requirements will mitigate any potential cumulative impacts to below a level of significance.
- Since none of the recommended threshold criteria would be exceeded, the identified impact would be less than significant and no mitigation measures are recommended or required.

5.3.8 **Geology and Soils Impact 3-8**: With increased urbanization, the inventory of recoverable sand and gravel resources within the San Bernardino P-C Region diminishes; however, the resource elimination that will occur as a result of the Project will impact the MRZ-2 classified resources by less than one percent and remaining available resources in the San Bernardino P-C Region exceed the projected 50-year aggregate demand.

Finding: The City Council hereby makes Finding (1) and determines that this potential impact is less than significant by implementation of project design features and/or compliance with existing laws and regulations, and therefore no mitigation measures are required or recommended.

Facts in Support of Finding: The following facts are presented in support of this finding:

- Project-related and cumulative geotechnical hazards impacts are addressed in Section 4.3 (Geology and Soils), in Appendix III-A (Geotechnical Review), and in Appendix III-B (Mineral Resources Evaluation) in the original FEIR and that analysis is incorporated by reference herein.
- Permitted aggregates in the San Bernardino P-C Region is sufficient to meet 24 percent of the needed aggregate supply to meet the State criteria for the region's 50-year demand. The San Bernardino P-C Region is projected to require 1,074 million tons of construction aggregate over the next 50 years and currently has only 262 million tons permitted. The 41 million tons of non-permitted aggregate resources which could be feasibly extracted from the Project site, based solely on an engineering perspective, represents about 16 percent of the currently permitted resources and about 5 percent of the SBPC Region's projected shortfall with regards to the region's anticipated 50-year demand.
- The California Department of Conservation's (CDC) Map Sheet 52 shows that

there exist around 74 billion tons of un-permitted aggregates within the State. Thus, the projected aggregate supply in relation to its 50-year demand is a function of the inability to permit the necessary construction grade aggregate, as opposed to a depletion issue. California would only have to permit a fraction of the non-permitted aggregate resources throughout the State to meet its 50-year demand.

- Based on the amount of aggregate resources present on the site as compared to the aggregate resources remaining in the SBPC Region, the loss of availability of on-site resources is not considered cumulatively significant. To the extent that other related projects are also located within areas designated by the DMG as containing State or regionally significant aggregate resources, the collective loss of those resources would not be deemed to be cumulatively significant on account of the Project's minimal loss of aggregate resources.
- Since none of the recommended threshold criteria would be exceeded, the identified impact would be less than significant and no mitigation measures are recommended or required.

5.4 Hydrology and Water Quality

5.4.1 **Hydrology and Water Quality Impact 4-1**: The Project site contains areas designated as being located within the 100-year floodplain. Site development could, therefore, result in the introduction of residential and non-residential land uses within those areas and/or expose site users to potential flood hazards.

Finding: The City Council hereby makes Finding (1) and determines that this potential impact is less than significant by implementation of project design features and/or compliance with existing laws and regulations, and therefore no mitigation measures are required or recommended.

Facts in Support of Findings: The following facts are presented in support of this finding:

- Project-related and cumulative hydrology and water quality impacts are addressed in Section 4.4 (Hydrology and Water Quality), Appendix III-C (Hydrology and Water Quality Analysis), Appendices IV-C, D and G in the original FEIR, and a June 30, 2010, memo from PACE Advanced Water Engineering, and that analysis is incorporated by reference herein.
- The Federal Emergency Management Agency (FEMA), a part of the Department of Homeland Security, has prepared flood insurance rate maps (FIRM) in order to identify those areas that are located within the 100-year floodplain boundary, termed "Special Flood Hazard Areas" (SFHAs). Four FIRM sheets (dated August 28, 2008) encompass the general Project area (i.e., Panel Nos. 06071C7905H, 06071C7910H, 06071C7920H, and 06071C7940H). As indicated therein, portions of the Project site are designated as "Zone A" (Areas of 100-Year Flood – No Base Flood Elevation Determined) and "Zone X" (Areas Determined to be Outside 500-Year Floodplain).
- As evidenced in FIRM Panel Nos. 06071C7920H and 06071C7940H, with regards to that segment of Lytle Creek located to the south of the I-15 Freeway and within the Project boundaries, flood waters are currently confined by the existing groin and levee system.

- As designated by FEMA, portions of Neighborhoods I, II, III and IV are located in the 100-year flood zone and designated as a SFHA subject to specific FEMA regulations (44 CFR 60.3[b]).
- The proposed development of Neighborhoods II, III, and IV will be located within the existing floodplain and, therefore, require flood control bank improvements to protect them from the floodwaters of Lytle Creek. An armored revetment structure is proposed along the northerly edge of Neighborhoods II, III, and IV to provide 100-year flood protection for the adjacent planning areas. The revetment structure would encroach into the present 100-year flood hazard limits of Lytle Creek and redirect its existing flood flows. As a result, with the proposed east bank revetment in place, with the exception of open space, no residential or non-residential uses would be placed within a 100-year flood hazard area.
- The revetment will be designed to withstand the hydraulic forces generated by the 100-year bulked flow flowrate in Lytle Creek of 64,450 cubic feet per second (cfs), representing the bulked value of the base flood of 42,580 cfs. The calculated ultimate condition flow velocities in Lytle Creek range between 10-20 feet per second (fps). The Project reach has average flowline grades of 0.03 feet per foot. The flow regimes vary between subcritical and supercritical, with supercritical dominating most segments of the channel. The proposed revetment will provide a minimum three foot of freeboard over the base flood elevation and ultimate discharge of 64,540 cfs.
- In order to obtain FEMA approval, the proposed revetment improvements must be designed and constructed in accordance with FEMA's standard criteria (44 CFR 65.10). Potential risks of levee failure are minimized through FEMA-imposed obligations for the preparation of a levee maintenance plan (44 CFR 65.10[d]).
- Since none of the recommended threshold criteria would be exceeded, the identified impact would be less than significant and no mitigation measures are recommended or required.

5.4.2 **Hydrology and Water Quality Impact 4-2**: Proposed drainage improvements have the potential to adversely impact the operation of those existing facilities now located within the Lytle Creek channel, including the I-15 Freeway bridge and those existing high-pressure pipelines that now traverse the wash.

Finding: The City Council hereby makes Finding (1) and determines that this potential impact is less than significant by implementation of project design features and/or compliance with existing laws and regulations, and therefore no mitigation measures are required or recommended.

Facts in Support of Findings: The following facts are presented in support of this finding:

- Project-related and cumulative hydrology and water quality impacts are addressed in Section 4.4 (Hydrology and Water Quality), Appendix III-C (Hydrology and Water Quality Analysis), Appendices IV-C, D and G in the original FEIR, and a June 30, 2010, memo from PACE Advanced Water Engineering, and that analysis is incorporated by reference herein.
- With regards to the I-15 Freeway bridge, the south abutment and two piers of the existing bridge will be enclosed by the proposed flood control revetment. The encroachment into the existing floodplain will alter the current hydraulic behavior

in the bridge vicinity and may affect the bridge flood conveyance and scour characteristics under the existing condition. The proposed revetment will act as the new south abutment for the bridge. Design of the toe-down has taken into account the maximum scour potential that may occur at the bridge location and will provide an adequate protection for both the Project and the bridge structure.

- Existing Southern California Edison (SCE) high-voltage transmission lines, constructed on steel-lattice towers, cross above Lytle Creek. Since those towers span the existing channel, proposed drainage improvements will not impact those facilities.
- Since none of the recommended threshold criteria would be exceeded, the identified impact would be less than significant and no mitigation measures are recommended or required.

5.4.3 **Hydrology and Water Quality Impact 4-3**: Construction activities may increase sediment discharge and/or result in the introduction of hazardous materials, petroleum products, or other waste discharges that could impact the quality of the area's surface and groundwater resources if discharged to those waters.

Finding: The City Council hereby makes Finding (1) and determines that this potential impact is less than significant by implementation of project design features and/or compliance with existing laws and regulations, and therefore no mitigation measures are required or recommended.

Facts in Support of Findings: The following facts are presented in support of this finding:

- Project-related and cumulative hydrology and water quality impacts are addressed in Section 4.4 (Hydrology and Water Quality), Appendix III-C (Hydrology and Water Quality Analysis), Appendices IV-C, D and G in the original FEIR, and a June 30, 2010, memo from PACE Advanced Water Engineering, and that analysis is incorporated by reference herein.
- During and following grading, existing vegetation, debris, and unsuitable fill materials will be cleared and removed. Bare ground surface area will be exposed to potential erosional forces such as wind and rain. The existing on-site soils are moderately-to-highly erosive. If proper controls are not implemented during the grading phases, siltation from exposed loose soils could be blown or washed into the adjacent segments of Lytle Creek and/or Sycamore Creek. If substantial amounts of such materials reach these watercourses, significant impacts on water quality could occur.
- The Applicant is required under the provision of the 2009 General Construction Permit requirements, as adopted by the State Water Resources Control Board (SWRCB), to prepare a management plan for the control of construction runoff, establishing adequate drainage controls to ensure that site runoff does not result in localized flooding or sediment loading both on and off the Project site. That plan is included as part of the stormwater pollution prevention plan (SWPPP) that is required to be prepared and submitted in compliance with NPDES requirements for any activity that requires grading more than one acre.
- Water quality protection is further ensured through preparation and implementation of the BMPs that will be identified in the SWPPP to ensure that grading and construction operations involving the transport, storage, use, and disposal of a variety of construction materials, including regulated materials,

comply with certain requirements regarding the proper storage, handling and transport of these materials. BMPs also set out the means by which any accidental releases of hazardous materials would be contained, cleaned up, and reported to regulatory authorities.

- Compliance with 2009 General Construction Permit and SWPPP requirements will ensure that all construction activities occurring on the Project site will be undertaken in a manner to assure compliance with applicable water quality standards. Implementation of BMPs will serve to effectively minimize impacts to water quality from Project-related construction activities.
- Since none of the recommended threshold criteria would be exceeded, the identified impact would be less than significant and no mitigation measures are recommended or required.

5.4.4 **Hydrology and Water Quality Impact 4-4**: The introduction of standing water on the Project site, including those waters associated with the Project's drainage facilities and BMPs, have the potential to introduce vector breeding habitat and harborage.

Finding: The City Council hereby makes Finding (1).

Facts in Support of Findings: The following facts are presented in support of this finding:

- Project-related and cumulative hydrology and water quality impacts are addressed in Section 4.4 (Hydrology and Water Quality), Appendix III-C (Hydrology and Water Quality Analysis), Appendices IV-C, D and G in the original FEIR, and a June 30, 2010, memo from PACE Advanced Water Engineering, and that analysis is incorporated by reference herein.
- Urban storm water runoff regulations now mandate the construction and maintenance of structural BMPs for both volume reduction and pollution management. Structural and treatment control BMPs include dry extended detention basins, wet ponds/basins, wetland filters, a recirculating stream with pond biofiltration system, and vegetated swales. These elements have the potential to introduce standing water on the Project site.
- Design and maintenance of BMP structures has been shown to contribute to the production of vectors. Stagnant water with a high concentration of organic material can attract mosquitoes. In general, any design that includes standing water or requires more than 72 hours to drain serves as a source of mosquitoes and other vectors. Aquatic habitats that last only three to five days generally do not generally allow for the complete development of mosquito larvae.
- To prevent mosquito and other vector production, the dry extended detention basins were designed using a 24-hour drawdown time. That drawdown time represents the minimum acceptable time for water quality detention. As proposed, the wet ponds will always have water in them as well as any recirculating streams associated with the wet pond(s). The water in the wet ponds will be recirculated and will be stocked with mosquito fish for vector control. Circulating or flowing water disrupts the maturity cycle of mosquito larvae.
- Mitigation Measure 4-1 has been formulated requiring the preparation, by the Applicant, or a routine inspection plan for possible vector harborage.

Mitigation Measure 4-1: Prior to the approval of any subdivision map (except for an "A" level map for financing purposes only) in which dry extended detention basins or wet ponds are located, the Applicant shall prepare and, when acceptable, the City Engineer shall accept an inspection plan for each of the basins demonstrating that routine inspections for possible vector harborage will be performed monthly within 72 hours after a storm event or under such alternative inspection schedule as may be determined by the City Engineer.

- With implementation of Mitigation Measure 4-1, the potential for vector breeding would be reduced to less than significant.

5.4.5 **Hydrology and Water Quality Impact 4-5**: Stormwater and non-storm water runoff have the potential to impair downstream receiving waters, particularly in Lytle and/or Sycamore Creeks.

Finding: The City Council hereby makes Finding (1).

Facts in Support of Findings: The following facts are presented in support of this finding:

- Project-related and cumulative hydrology and water quality impacts are addressed in Section 4.4 (Hydrology and Water Quality), Appendix III-C (Hydrology and Water Quality Analysis), Appendices IV-C, D and G in the original FEIR, and a June 30, 2010, memo from PACE Advanced Water Engineering, and that analysis is incorporated by reference herein.
- In its current condition, the pollutants of concern for Lytle Creek are pathogens. Based on the proposed development, additional anticipated stormwater pollutants likely include bacteria/virus, nutrients, pesticides, sediment, trash and debris, organic compounds, oxygen demanding substances, metals and oil and grease.
- As required in Section 12.60.260 (Stormwater Quality Management Plan) of the City Municipal Code, prior to the issuance of any grading or building permit, all qualifying land development and redevelopment projects shall submit and have approved a storm water quality management plan (SWQMP) to the City Engineer. The SWQMP shall identify all BMPs that will be incorporated into the Project to control storm water and non-storm water pollutants during and after construction and shall be revised as necessary during the life of the Project.
- The treatment control BMPs will consist of: (a) dry extended detention basins; (b) wet ponds/basins; (c) wetland filters; and (d) vegetated swales. The proposed treatment train of BMPs will capture and treat dry-weather runoff and the target water quality volume or water quality flow for 2-year or less storm events before the storm water reaches Lytle Creek.
- Erosion and sedimentation will be prevented at the downstream receiving waters by the placement of outfall structures from the BMP basins as well as energy dissipaters at the outlets of the overflow storm drain pipes that discharge into Lytle Creek for storm events larger than the 2-year storm event.
- Each of the planned neighborhoods will include on-site storm water management system improvements. These improvements will consist of a closed conduit storm drain system (capable of conveying debris from the off-site watershed, on-site closed conduit storm drain, and/or open channel conveyance systems) and a

water quality management system to treat non-storm and small storm runoff before discharge to Lytle and Sycamore Creeks.

- In addition to those structural and treatment control BMPs presented in the SWQMP, a number of source control measures have been identified and a mitigation measure formulated (Mitigation Measure 4-2) requiring the inclusion of those measures during the Project's operational life. In addition, regular monitoring will enable identification of excessive pollutant levels so that appropriate corrective measures can be taken, if deemed to be required. Monitoring has been included as a recommended mitigation measure (Mitigation Measure 4-3) and will constitute an on-going obligation upon the Project.

  Mitigation Measure 4-2: Source Control BMPs. The following source control BMPs, or such other comparable measures as may be established by the City Engineer, shall be adopted as a condition of approval for subsequent tract maps approved by the City within the Project boundaries. (1) The master homeowners' association (HOA) and/or property owners' association (POA) will be given a copy of the SWQMP. Annually, the representatives of the HOA/POA, their employees, landscapers, property managers, and other parties responsible for proper functioning of the BMPs shall receive verbal and written training regarding the function and maintenance of the Project's BMPs. The homeowners will be provided annual notices of water quality issues through an association-published newsletter. (2) Vegetated buffer strips shall be properly maintained with vegetation but not overly fertilized. (3) Resident education and participation will be implemented to manage pollutants that contribute to biological oxygen demand. For example, residents shall be encouraged to keep pets on leashes and to remove feces in order to limit organic material in storm water runoff. Residents shall be further encouraged to irrigate their properties at certain times of the day in order to limit nuisance flow runoff carrying pesticides and other organic material. (4) Vehicle leak and spill control shall be implemented by educating and requiring vehicle and equipment maintenance, proper vehicle and maintenance fueling, and education of how to handle accidental spills. Stringent fines shall be applied to those who violate these requirements and participate in illegal dumping of hazardous material. Street and storm drain maintenance controls shall be put in place with signs posted prohibiting illegal dumping into street and storm drains. (5) Household hazardous waste collection facilities shall be put into place for proper disposal of fertilizers, pesticides, cleaning solutions, paint products, automotive products, and swimming pool chemicals. Proper material storage control shall be encouraged to keep materials from causing groundwater contamination, soil contamination, and storm water contamination.

  Mitigation Measure 4-3: Water Quality Monitoring. Prior to the issuance of any grading permits, the Applicant shall submit, and when acceptable, the City Engineer shall approve, a long-term water monitoring program designed to ensure that the Project's proposed BMPs meet or exceed applicable water quality standards established by the California Regional Water Quality Control Board, Santa Ana Region (SARWQCB) and contained in the then current NPDES Permit. In accordance with that program, the Applicant shall institute regularly testing of the water quality at the storm drainage outlets within Lytle and Sycamore Creeks. If the monitoring program's test results determine that the water quality standards established by the SARWQCB are not being met, corrective actions acceptable to the SARWQCB and the City Engineer shall be

promptly taken to improve the quality of surface runoff discharged from the outlets to a level in compliance with the adopted SARWQCB standards.

- With implementation of Mitigation Measures 4-2 and 4-3, the Project's water quality impacts would be reduced to a less-than-significant level.

5.4.6 **Hydrology and Water Quality Impact 4-6**: Project plans include the construction of new levee systems adjacent to Lytle Creek. In addition, Project implementation will result in the introduction of impervious surfaces and, as a result of the impedance of opportunities for absorption and infiltration of those waters, has the potential to increase the quantity, velocity, and duration of storm waters discharged from the Project site.

Finding: The City Council hereby makes Finding (1).

Facts in Support of Findings: The following facts are presented in support of this finding:

- Project-related and cumulative hydrology and water quality impacts are addressed in Section 4.4 (Hydrology and Water Quality), Appendix III-C (Hydrology and Water Quality Analysis), Appendices IV-C, D and G in the original FEIR, and a June 30, 2010, memo from PACE Advanced Water Engineering, and that analysis is incorporated by reference herein.
- Project implementation, including the introduction of impervious surfaces, will result in a concentration of flows, increase flow velocities, and shorten the time of concentration. Energy dissipaters will be constructed at the outfall locations of each storm drain.
- In order to ensure that people and structures are not subjected to significant flood hazards, the Project proposes the construction of an armored revetment structure along the northerly edge of Neighborhoods II, III, and IV to provide 100-year flood protection for the adjacent areas from potential flooding impacts of Lytle Creek. The Project has also been designed to capture and treat urban runoff from new development areas to ensure that discharge of storm water runoff downstream of the Project site into Lytle and Sycamore Creeks does not increase the velocity of peak flows in those creeks during storm events. The Project includes measures to ensure that, where feasible, storm water runoff is captured on the Project site and infiltration promoted so as to minimize the volume of storm water runoff discharged into the creeks. Features such as vegetated swales have been designed to capture runoff and provide for infiltration, and treatment and dissipation prior to discharge into receiving waters.
- In order to ensure that people and structures are not subjected to significant flood hazards, Mitigation Measure 4-4 has been formulated to provide specific standards by which the engineering plans for the armored revetment must comply in order to assure that impacts from creek flows are reduced to a less-than-significant level.
- In order to further ensure that people and structures are not subjected to significant flood hazards and that the Cemex USA levee repairs have been made along the Cemex USA South Pit levee by the time the armored revetment is being constructed in Neighborhoods II or III to protect property and people in those on-site neighborhoods, Mitigation Measure 4-5 has been formulated which requires the Applicant to complete these repairs if not otherwise implemented by Cemex.

Mitigation Measure 4-4: Final Design Plans. Prior to the issuance of grading permits in Neighborhoods II, III, or IV, final design plans for the proposed Lytle Creek flood control revetment shall be submitted to, and when deemed acceptable, approved by the City Engineer. As determined by the City Engineer, the final design of the Lytle Creek flood control revetment shall provide adequate structural protection for affected I-15 Freeway bridge structures. Design for the toe-down of the Lytle Creek west bank revetment shall take into account the maximum scour potential that may occur at the I-15 Freeway bridge to ensure that adequate protection is provided for both adjacent on-site and off-site development area and the bridge structure.

Mitigation Measure 4-5. Continuity of Flood Control Revetment and Levees. If Cemex USA has not completed the repairs to its South Pit levee for which it obtained authorizations under Streambed Alteration Agreement 1600-2006-0256-R6 and Nationwide Permit No. 3 (USACE No. SPL-2006-1460) by the time that the Applicant is constructing its revetment for Neighborhoods II or III, subject to the existing agreement between Cemex USA and the Applicant, the Applicant shall undertake those repairs to the Cemex USA levee in connection with the Applicant's other off-site improvements to approximately 2,000 linear feet of the Cemex USA levee adjacent to Neighborhood II.

- With implementation of Mitigation Measures 4-4 and 4-5, impacts from Creek flows will be reduced to less than significant.

5.4.7 **Hydrology and Water Quality Impact 4-7:** Four groundwater infiltration ponds, used by the Fontana Water District, are presently located in Neighborhood II (PAs 82, 91 and 92). The areas where those ponds are located are proposed for "Single-Family Residential 3 (SFR-2) (8-14 du/ac)," High Density Residential (HDR) (25-35 du/ac)," and "Village Center Commercial (VC)" development. The existing infiltration ponds will be relocated and incorporated into the design of Neighborhood II.

Finding: The City Council hereby makes Finding (1) and determines that this potential impact is less than significant by implementation of project design features and/or compliance with existing laws and regulations, and therefore no mitigation measures are required or recommended.

Facts in Support of Findings: The following facts are presented in support of this finding:

- Project-related and cumulative hydrology and water quality impacts are addressed in Section 4.4 (Hydrology and Water Quality), Appendix III-C (Hydrology and Water Quality Analysis), Appendices IV-C, D and G in the original FEIR, and a June 30, 2010, memo from PACE Advanced Water Engineering, and that analysis is incorporated by reference herein.
- Under the provision of a "Memorandum of Understanding" (MOU) to be entered into between Cemex USA, the San Bernardino County Special Districts Department's (SBCSDD), the Lytle Creek Water Conservation Association (LCWCA), and the Lytle Development Company, in order to augment and offset

the lack of available reclaimed water within the Project area, as proposed, the Project's implementation would serve to assist in providing additional groundwater recharge within the Lytle Creek Basin.

- The SBCSDD manages and oversees the LCNWRP just downstream of the Cemex USA quarry on the northerly side of Lytle Creek which lies within County Service Area (CSA) 70-GH. As part of the discharge permitting requirements for that facility, the SARWQCB ordered the County to develop a total dissolved solids (TDS) plan as part of its waste discharge requirements (WDRs) under Order No. R8-2007-0004 (stipulating that a TDS offset program be developed and implemented that will enable the SBCSDD offset discharges of TDS from the LCNWRP that exceed the Lytle Creek Basin water quality objective of 260 mg/L and current ambient concentration of 240 mg/L). The proposed TDS offset for the Lytle Creek North WRP consists of enhanced recharge of the Lytle Creek surface water stream flows diverted during wet weather.
- The Lytle Basin has been used by the LCWCA member agencies and has proven to be a prime area for enhanced stream-flow recharge, due to the low TDS concentration of the Lytle Creek surface water.
- The Cemex USA mining operations vary within the mining property and does not work all of the property concurrently but on a rotating basis leaving areas unused for years at a time. As part of a revised mining permit application, Cemex USA has agreed to participate in the recharge program by providing two separate spreading basins. One of the basins will be located in the "North Pit" and one in the "South Pit" on a rotating schedule, depending on material availability and production needs. The two pits will provide approximately 80 acres of spreading basins and are expected to yield approximately 24,000 acre-feet per year (AF/Y) of basin recharge on a rotating basis. The historic 43-acre spreading basins provided approximately 13,000 AF/Y.
- Since none of the recommended threshold criteria would be exceeded, the identified impact would be less than significant and no mitigation measures are recommended or required.

5.4.8 **Hydrology and Water Quality Impact 4-8**: Development of the Project, in conjunction with other foreseeable related projects, will collectively contribute to surface flows within the Lytle and Sycamore Creek areas and will result in the introduction of additional urban pollutants that could affect the beneficial uses of existing surface and groundwater resources.

Finding: The City Council hereby makes Finding (1) and determines that this potential impact is less than significant by implementation of project design features and/or compliance with existing laws and regulations, and therefore no mitigation measures are required or recommended.

Facts in Support of Findings: The following facts are presented in support of this finding:

- Project-related and cumulative hydrology and water quality impacts are addressed in Section 4.4 (Hydrology and Water Quality), Appendix III-C (Hydrology and Water Quality Analysis), Appendices IV-C, D and G in the original FEIR, and a June 30, 2010, memo from PACE Advanced Water Engineering, and that analysis is incorporated by reference herein.

- Although a substantial portion of the Project site will be retained as open space, the site's conversion to a more urbanized use will generate additional urban runoff that would be discharged into Lytle and Sycamore Creeks. These impacts could affect both surface and groundwater downstream of the Project site and could adversely affect the water quality of groundwater resources that provide a water supply source to a number of private and municipal water systems that are dependent upon that water source. The Project will, however, be required to implement BMPs, fully comply with all applicable State water quality laws and regulations, and implement the BMPs set forth in Mitigation Measures 4-2 and 4-3.
- Other related projects that may occur within the general Project area may produce cumulative water quality impacts. Those related projects will, however, also be required to implement various structural and treatment control BMPs to reduce impacts from stormwater and non-stormwater runoff, fully comply with all applicable State water quality laws and regulations, and would likely implement mitigation measures similar to Mitigation Measures 4-2 and 4-3, cumulative impacts would be less than significant after mitigation.
- Since none of the recommended threshold criteria would be exceeded, the identified impact would be less than significant and no additional mitigation measures are recommended or required.

5.5 Biological Resources

5.5.1 **Biological Resources Impact 5-1**: Grading and grubbing activities will result in direct impacts to approximately 1,374.7 (1,368.0 on-site and 6.7 off-site) acres, resulting in the direct removal of existing vegetation within those areas. Temporary impacts include approximately 49.7 (40.8 on-site and 8.9 off-site) acres which will occur within temporary construction zones associated with the levee construction and the construction of a road under the I-15 Freeway. With regards to non-sensitive plant species, Project implementation will result in direct impacts to approximately 894.8 (889.9 on-site and 4.9 off-site) acres of non-sensitive plant communities. Temporary impacts to approximately 8.1 (5.1 on-site and 3.0 off-site) acres of non-sensitive plant communities will occur within temporary construction zones associated with the levee construction. With regards to sensitive plant species, Project implementation will result in direct impacts to approximately 478.0 (476.2 on-site and 1.8 off-site) acres of RAFSS (where RAFSS is the only or the primary community). Temporary impacts to approximately 41.6 (35.7 on-site and 5.9 off-site) acres of RAFSS which will occur within temporary construction zones associated with the levee construction. Permanent impacts to sensitive plant communities include approximately 1.7 on-site acres of southern cottonwood willow riparian and 0.2 on-site acre of California sycamore alliance (Biological Resources Impact 5-1).

Findings: The City Council hereby makes Finding (1).

Facts in Support of Findings: The following facts are presented in support of these findings:

- Project-related and cumulative biological resources impacts are addressed in Section 4.5 (Biological Resources), in Appendix III-D (Biological Resources

Assessment), Appendix III-E (Jurisdictional Delineation Report), Appendix IV-H (Glenn Lukos Associates Response Regarding State Waters), and Appendices IV-E, IV-F and IV-J (PCR, Biological Resource documents) in the original FEIR and that analysis is incorporated by reference herein.

- Areas of direct disturbance are generally limited to a Project's grading and grubbing limits. A total of approximately 1,539.3 acres will be directly impacted under the conceptual grading plan.
- The total impacts to plant communities is identified as approximately 1,374.7 (1,368.0 on-site and 6.7 off-site) acres. Within the approximately 1,374.7-acre area examined in the original FEIR, direct impacts on non-sensitive and sensitive plant communities were described in Section 4.5 of the DEIR.
- Sensitive plant communities. Each of the sensitive plant communities identified within the LCRSP study area which will be directly impacted by the Project are individually addressed below.
- Riversidean alluvial fan scrub (RAFSS) communities. Construction impacts will result in permanent impacts to about 478.0 (476.2 on-site and 1.8 off-site) acres and temporary impacts to about 41.6 (35.7 on-site and 5.9 off-site) acres of RAFSS (where RAFSS is the only or primary community). Due to the amount of acreage which would be removed, RAFSS' status as a sensitive plant community (considered rare by the CNDDB), riparian nature, and capacity to support suitable habitat for a number of sensitive species, impact on this sensitive natural community would be deemed potentially significant. If avoidance is determined to be infeasible, Mitigation Measure 5-1 has been formulated to reduce impacts to this sensitive plant community to a less-than-significant level.
- Southern cottonwood willow riparian communities. Construction impacts will result in a direct loss of approximately 1.7 on-site acres of southern cottonwood willow riparian communities. This plant community is considered sensitive by the CDFG because it can be classified as a wetland. Direct impacts to southern cottonwood willow riparian communities would be deemed significant and, if avoidance where not possible, compensatory resources would be required to compensate for the loss of not only this plant community but the sensitive wildlife species that this habitat supports. Mitigation Measure 5-2 has been formulated to reduce impacts to this sensitive plant community to a less-than-significant level.
- California sycamore alliance. Construction impacts will result in a direct loss of about 0.2 on-site acre of California sycamore alliance. This small patch of sycamore trees is relatively isolated and is not part of a larger riparian community. Within the LCRSP study area, this vegetation association does not function as a true riparian community and is not likely to support sensitive species. The Project's impact on California sycamore alliance is less than significant and mitigation is not warranted.

Mitigation Measure 5-1: Riversidean Alluvial Fan Sage Scrub. Two alternative compensatory approaches to Riversidean alluvial fan sage scrub (RAFSS) mitigation have been identified and are described herein. The first approach is based on an "appropriately-scaled ratio" of acres to be preserved to acres to be impacted. The second approach is based on a "habitat equivalency analysis" (HEA) incorporating the measurement and comparative analysis of common ecological metrics (or indicators) between impacted sites and mitigation sites such that the functions and values between those areas can be demonstrated to be reasonably equivalent.

Mitigation Based on Appropriately-Scaled Ratios. Impacts to 519.6 acres (478.0 acres of permanent and 41.6 acres of temporary impacts) of RAFSS may be mitigated at a minimum mitigation ratio of 2:1 (replacement: disturbance) through the preservation of 1,039.2 acres of alluvial fan sage scrub (AFSS) vegetation both on and off the Project site. This shall be accomplished, in part, by the preservation of 395.4 acres of RAFSS on the site and the preservation of existing and/or the enhancement, restoration, or creation of AFSS off the site, on private and/or public lands.

The Applicant's acquisition of qualifying off-site and/or dedication of qualifying on-site AFSS habitat and/or the Applicant's securing of appropriate rights and authorization allowing for the preservation, enhancement, restoration, and/or creation of protected habitat on public and/or private lands, together with adequate funding to achieve the necessary preservation, enhancement, restoration, and/or creation, shall be secured by the Applicant at a minimum ratio of 2:1 (replacement: disturbance) prior to directly impacting RAFSS habitat for grading, grubbing, construction, and/or fuel modification activities.

Prior to the issuance of any permits and/or approvals that would result in the removal of RAFSS habitat, the Development Services Director (Director) shall verify that the Applicant has secured sufficient and appropriate AFSS habitat (whether on and/or off the site) to be preserved, enhanced, restored, and/or created to fulfill this 2:1 mitigation ratio, based on the amount of RAFSS habitat that would be removed under the then-issued grading, clearing, or grubbing permits, and has delivered to the City a binding instrument ensuring the implementation of the specified action.

Mitigation Based on Habitat Equivalency Analysis. An alternative method for determining the extent and location of mitigation lands for impacts to RAFSS is to calculate the amount of compensatory acreage of RAFSS habitat to be provided based upon a "habitat equivalency analysis" (HEA). The basic steps that shall be used for implementation of the HEA approach are: (A) determine the extent of potential impact; (B) determine the value of candidate mitigation site(s); and (C) determine required mitigation.

Prior to issuance of any grading permit that would result in the removal of RAFSS, the Director shall verify that the Applicant has: (1) applied the HEA metrics to the acres of RAFSS to be removed; (2) determined the appropriate set of mitigation/conservation activities to apply to the mitigation lands (in accordance with the ecological currency established by the HEA metrics); and (3) has assured that the mitigation lands will serve as mitigation in perpetuity and assured that long-term management will be provided.

The provision of compensatory resources and/or the acquisition of mitigation credits to offset impacts shall be secured by the Applicant prior to removing RAFSS for grading, grubbing, construction, and/or fuel modification activities. Prior to the issuance of any permits and/or approvals resulting in the removal of RAFSS, the Director shall verify that the Applicant has secured sufficient and appropriate RAFSS habitat conservation credits (whether on and/or off the site) based on the amount of RAFSS habitat that would be removed under the then-issued grading, clearing, or grubbing permit and has delivered to the City a binding instrument ensuring the implementation of the specified action.

The Applicant shall assure, to the satisfaction of the Director, that the compensatory acreage and/or mitigation credits to serve as mitigation will be secured to serve its specified function and that the appropriate long-term management of this habitat will be provided. Such assurance shall include those performance measures and guarantees as may be reasonably required by the Director to ensure the fulfillment of the intent of this measure.

At the Applicant's sole expense, the City may select and hire a qualified biologist(s) to provide technical consultation, third-party review, and independent oversight of specified biological mitigation. At its sole discretion, the City's acceptance of any Applicant-nominated compensatory resources and/or mitigation credits shall occur prior to the issuance of any permits and/or approvals resulting in direct impacts to RAFSS and any such permits or approvals shall be conditioned with the details of those actions which are to be implemented.

Mitigation Measure 5-2: Other Sensitive Riparian Communities. Mitigation for direct impacts to approximately 1.7 acres of southern cottonwood willow riparian shall include preservation, enhancement, and restoration of a minimum combined 3.4 acres within the existing and available mule fat scrub, southern willow scrub, and southern cottonwood willow riparian habitat within the Sycamore Flat East riparian corridor. This mitigation represents a minimum 2:1 (replacement: disturbance) mitigation ratio.

Prior to issuance of any permits or approvals that would result in the removal of RAFSS, the Director shall verify that the Applicant has secured sufficient qualifying RAFSS habitat to be preserved, enhanced, restored, and/or created to conserve habitat functions and values equivalent to the functions and values of habitat that would be removed under the then-issued grading permits for the Project, as determined through the HEA approach.

The Applicant's acquisition of qualifying off-site and/or dedication of qualifying on-site riparian habitat and/or the Applicant's securing of appropriate rights and authorization allowing for the preservation, enhancement, restoration, and/or creation of protected habitat on public and/or private lands, together with adequate funding to achieve the necessary preservation, enhancement, restoration, and/or creation, shall be secured by the Applicant at a minimum ratio of 2:1 prior to directly impacting southern cottonwood willow riparian habitat for grading, grubbing, construction, and/or fuel modification activities. Prior to the issuance of any permits and/or approvals resulting in the removal of southern cottonwood willow riparian habitat, the Director shall verify that the Applicant has secured sufficient and appropriate riparian habitat (whether on and/or off the site) to be preserved, enhanced, restored, and/or created to fulfill this 2:1 mitigation ratio, based on the amount of southern cottonwood willow riparian habitat that would be removed under the then-issued grading, clearing, or grubbing permit, and has delivered to the City a binding instrument ensuring the implementation of the specified action.

The Applicant shall assure, to the satisfaction of the Director, that the compensatory acreage to serve as mitigation will be secured to serve its specified function and that this function will continue over the long term. Such

assurance shall include those performance measures and guarantees as may be reasonably required by the Director to ensure the fulfillment of the intent of this measure.

- With implementation of these two mitigation measures, impacts during grading and grubbing activities to sensitive plant species will be reduced to less than significant.

5.5.2 **Biological Resources Impact 5-2**: Common Plant Species. Project implementation would result in the direct removal of numerous native and non-native common plant species.

Findings: The City Council hereby makes Finding (1) and determines that this potential impact is less than significant by implementation of project design features and/or compliance with existing laws and regulations, and therefore no mitigation measures are required or recommended.

Facts in Support of Findings: The following facts are presented in support of these findings:

- Project-related and cumulative biological resources impacts are addressed in Section 4.5 (Biological Resources), in Appendix III-D (Biological Resources Assessment), Appendix III-E (Jurisdictional Delineation Report), Appendix IV-H (Glenn Lukos Associates Response Regarding State Waters), and Appendices IV-E, IV-F and IV-J (PCR, Biological Resource documents) in the original FEIR and that analysis is incorporated by reference herein.
- Population losses for common plants are proportional to the losses of those plant communities in which they occur within the region. These plant species are common and have no local, State, or federal protected status.
- Since this potential impact would not reduce common plant species to below self-sustaining levels, the recommended threshold criteria would not be exceeded, and the potential impact to common plant species would be considered less than significant and no mitigation measures are recommended or required.

5.5.3 **Biological Resources Impact 5-3:** Common Wildlife Species. In the short-term, Project implementation would result in direct removal of wildlife habitat and the potential mortality of common wildlife species existing within the area of disturbance. Long-term indirect impacts include increased human-related disruption (such as an increase in nighttime lighting, noise, road kills, and the presence of domestic pets) which may result in additional mortality of native wildlife species.

Findings: The City Council hereby makes Finding (1) and determines that this potential impact is less than significant by implementation of project design features and/or compliance with existing laws and regulations, and therefore no mitigation measures are required or recommended.

Facts in Support of Findings: The following facts are presented in support of these findings:

- Project-related and cumulative biological resources impacts are addressed in Section 4.5 (Biological Resources), in Appendix III-D (Biological Resources Assessment), Appendix III-E (Jurisdictional Delineation Report), Appendix IV-H (Glenn Lukos Associates Response Regarding State Waters), and Appendices IV-E, IV-F and IV-J (PCR, Biological Resource documents) in the original FEIR and that analysis is incorporated by reference herein.
- The removal of existing undisturbed habitat areas will result in the loss of small mammals, reptiles, and other animals, especially those inhabiting subterranean burrows and of slow mobility that live within the impacted areas. Surviving mobile wildlife species now using those areas would be forced to move into remaining on-site and off-site open space habitat areas, thus increasing competition for available resources. This situation could result in the further loss of those individuals that cannot successfully compete.
- The potential mortality of small animals has several consequences, including: (1) reduced prey base for larger predators; (2) increased pressure on surviving populations in the adjacent open space areas to absorb individuals that seek to escape mortality; (3) decline in genetic diversity; and (4) reduced number of individuals available to recolonize affected areas following site disturbance.
- However, since these impacts would not reduce common wildlife populations to below self-sustaining levels, the recommended threshold criteria would not be exceeded, and the potential impact to common wildlife species would be considered less than significant and no mitigation measures are recommended or required.

5.5.4 **Biological Resources Impact 5-4**: The Project will permanently impact approximately 43,741 (42,709 on-site and 1,032 off-site) linear feet and 58.02 (57.42 on-site and 0.60 off-site) acres of United States Army Corps of Engineers (USACE) non-wetland waters. In addition, the Project will permanently impact 60,894 (59,086 on-site and 1,808 off-site) linear feet and 93.98 (92.76 on-site and 1.22 off-site) acres of California Department of Fish and Game (CDFG) streambed (2.38 on-site acres consists of vegetated riparian habitat). The Project will temporarily impact approximately 8,852 (8,577 on-site and 275 off-site) linear feet and 26.73 (24.33 on-site and 2.40 off-site) acres of USACE non-wetland waters. In addition, the Project will temporarily impact 9,981 (9,706 on-site and 275 off-site) linear feet and 32.00 (27.73 on-site and 4.27 off-site) acres of CDFG streambed. Impacts may result in substantial changes to the bed, channel, and/or bank of jurisdictional waters.

Findings: The City Council hereby makes Finding (1).

Facts in Support of Findings: The following facts are presented in support of these findings:

- Project-related and cumulative biological resources impacts are addressed in Section 4.5 (Biological Resources), in Appendix III-D (Biological Resources Assessment), Appendix III-E (Jurisdictional Delineation Report), Appendix IV-H (Glenn Lukos Associates Response Regarding State Waters), and Appendices IV-E, IV-F and IV-J (PCR, Biological Resource documents) in the original FEIR and that analysis is incorporated by reference herein.
- Project implementation will result in direct impacts to federally and State-regulated jurisdictional waters. Some of those impacts will be temporary and

limited to the construction term, while others would be permanent in order to implement the Project. The Project will require a Section 404 (Clean Water Act) permit from the USACE, Section 401 (Clean Water Act) water quality certifications or waivers from SARWQCB, and Section 1602 (California Fish and Game Code) streambed alteration agreement from the CDFG.

- Project-related impacts upon waters of the U.S. and waters of the State are described in the DEIR, and include permanent impacts to USACE jurisdictional waters of approximately 58.02 acres (none of which consist of jurisdictional wetlands); approximately 26.73 acres of temporary impacts to USACE jurisdictional waters; permanent impacts to CDFG jurisdictional waters of approximately 93.98 acres (2.38 acres consist of vegetated riparian habitat); and temporary impacts to CDFG jurisdictional waters of approximately 32.0 acres, none of which consist of vegetated riparian habitat.
- A mitigation measure (Mitigation Measure 5-3) has been formulated to ensure both compliance with the provisions of Sections 401-404 of the CWA and Sections 1600-1616 of the CFGC and the provision of compensatory habitat areas.

  Mitigation Measure 5-3: Jurisdictional Waters. Prior to the issuance of any grading permits affecting State and/or federal jurisdictional waters, the Applicant shall provide the Director with documentation, as may be deemed acceptable by the Director, demonstrating the Applicant's ability and binding commitment to provide the following compensatory resources: (1) the preservation, restoration, and/or enhancement (individually or in combination) of USACE jurisdictional waters on or off the site (within the watershed) at a ratio of no less than 1:1 (replacement: disturbance); and (2) preservation, restoration, and/or enhancement (individually or in combination) of CDFG jurisdictional areas on or off the site (within the watershed) at a ratio of no less than 1:1. Temporary impacts to jurisdictional waters may be mitigated through restoring affected areas to pre-Project conditions, followed by hydroseeding with native plant species typical of the area.

  Prior to issuance of any grading permit for work in jurisdictional waters, as applicable, the Applicant shall provide the City with evidence of the Applicant's receipt of a Section 404 permit issued by the United States Army Corps of Engineers (USACE), a Section 1600 streambed alteration agreement with California Department of Fish and Game (or other evidence of compliance with Section 1600 et seq. of the California Fish and Game Code), Section 401 water quality certification issued by the Regional Water Quality Control Board, Santa Ana Region and shall provide the Director with an agency approved habitat mitigation and monitoring plan (HMMP), prepared pursuant to USACE guidelines.

- Implementation of the recommended mitigation measure would reduce potentially significant impacts to a less-than-significant level.

5.5.5 **<u>Biological Resources Impact 5-5</u>**: Project implementation has the potential to impede existing wildlife movement patterns across the Project site, resulting in a potential fragmentation of habitat areas upon and surrounding the Project site.

<u>Findings</u>: The City Council hereby makes Finding (1) and determines that this potential impact is less than significant by implementation of project design features and/or

compliance with existing laws and regulations, and therefore no mitigation measures are required or recommended.

Facts in Support of Findings: The following facts are presented in support of these findings:

- Project-related and cumulative biological resources impacts are addressed in Section 4.5 (Biological Resources), in Appendix III-D (Biological Resources Assessment), Appendix III-E (Jurisdictional Delineation Report), Appendix IV-H (Glenn Lukos Associates Response Regarding State Waters), and Appendices IV-E, IV-F and IV-J (PCR, Biological Resource documents) in the original FEIR and that analysis is incorporated by reference herein.
- The largest existing proximal off-site open space reserves that involve wildlife movement are those associated with the San Gabriel and San Bernardino Mountains and the Santa Ana River system (generally through Lytle and Cajon Creeks).
- From a regional perspective, significant regional movement throughout Lytle Creek is already impeded by the presence of the I-15 Freeway, the recently completed improvement to Glen Helen Parkway, and downstream channelization and urbanization. However, based on the presence of the I-15 Freeway bridge and underpass on the western end of the LCRSP study area, wildlife movement is likely to occur regularly and continue even with Project implementation between the SBNF and open space areas near the confluence of Lytle and Cajon Creeks via those portions of Lytle Creek that are located in the LCRSP study area. The Project would preserve a substantial portion of this existing wildlife movement corridor within the LCRSP study area as open space.
- The majority of the Project's construction-related impacts would occur within the upland benches adjacent to but outside of the Lytle Creek floodway. Wildlife movement through and along Lytle Creek may, to a limited degree, be constricted by the presence of active mining operations within the Cemex USA quarry, however, that is an existing condition and not an impact of the Project. Although levee improvements may further constrict this existing corridor, development of the upland terraces would not be expected to significantly affect movement through the retained open wash.
- The elimination of wildlife habitat in the adjacent terraces would reduce habitat areas now used for cover, and the resulting reduction in native habitats would result in the displacement of wildlife to nearby open space areas. However, the preservation of the natural functions of Lytle Creek, the retention of islands of habitat scattered throughout Lytle Creek (such as the "SBKR Conservation Area") that provide opportunities for cover for wildlife, the presence of Vulcan Materials Company's "Cajon Creek Habitat Conservation Management Area," and the existing mitigation areas located to the north of Neighborhood II will contribute to the retention of a viable wildlife movement corridor and refuge through the LCRSP study area. With these adjacent mitigation areas, the proposed conservation area within Lytle Creek is approximately 1,200-feet wide at its narrowest point (I-15 Freeway underpass). Because existing physical linkages will generally be retained, the Project will not substantially impede opportunities for wildlife movement.
- In addition to direct effects, other indirect impacts to wildlife movement associated with proximity to human habitat may result from the Project. Edge

effects (such as increased lighting, noise, and domestic pets) are not, however, anticipated to substantially reduce the functions and values of the existing wildlife movement corridor through the open wash. Due to the width of the proposed conservation area within Lytle Creek, indirect effects associated with the site's development are likely to dissipate over this distance (i.e., would be greatest in proximal to the edge of the interface between the retained open space and the proposed development and would diminish as the separation distance increases).

- Since none of the recommended threshold criteria would be exceeded, the identified impact would be less than significant and no mitigation measures are recommended or required.

5.5.6 **Biological Resources Impact 5-6**: Sensitive Plant Species and CNPS List 3 and List 4 Plant Species. Construction will result in the loss of an unknown number of Plummer's Mariposa lily (CNPS List 1B.1 species) and an unknown number of Parry's spineflower (CNPS List 1B.1 species). In addition, construction will result in the loss of one southern California black walnut (CNPS List 4.2 species).

Findings: The City Council hereby makes Finding (1) and determines that this potential impact is less than significant by implementation of project design features and/or compliance with existing laws and regulations, and therefore no mitigation measures are required or recommended.

Facts in Support of Findings: The following facts are presented in support of these findings:

- Project-related and cumulative biological resources impacts are addressed in Section 4.5 (Biological Resources), in Appendix III-D (Biological Resources Assessment), Appendix III-E (Jurisdictional Delineation Report), Appendix IV-H (Glenn Lukos Associates Response Regarding State Waters), and Appendices IV-E, IV-F and IV-J (PCR, Biological Resource documents) in the original FEIR and that analysis is incorporated by reference herein.
- Sensitive plant species observed within the LCRSP study area consist of Plummer's Mariposa lily (California Native Plant Society [CNPS] List 1B.2 species) and Parry's spineflower (CNS List 1B.1 species). Although slender-horned spineflower was documented in the LCRSP study area in 1994, the species was not observed during surveys conducted between 2004 and 2008. CNPS List 3 and List 4 plant species observed within the LCRSP study area consist of southern California black walnut (CNPS List 4.2 species). In addition, three populations of woollystar (*Eriastrum densifolium*) were documented in the southeastern end of the LCRSP study area in 1994. Each of these plant species are separately discussed below.
- Plummer's Mariposa lily. The Project would directly impact about 88 out of 127,295 individual Plummer's Mariposa lilies. This impact represents a Project-induced loss of less than one percent of the estimated number of Plummer's Mariposa lily anticipated to occur within the LCRSP study area. The loss of 88 Plummer's mariposa lily within the LCRSP study area is not expected to cause the population to drop below self-perpetuating levels. Impacts to this species are deemed adverse but less than significant and no mitigation is required or recommended.

- Parry's spineflower. About 35,280 of the 501,280 individual plants documented in the LCRSP study area will be directly impacted by the Project, representing about seven percent of the population mapped within the LCRSP study area. The loss of about seven percent of Parry's spineflower within the LCRSP study area is not expected to cause the population to drop below self-perpetuating levels. Impacts to this species are deemed adverse but less than significant and no mitigation is required or recommended.
- Southern California black walnut. One individual southern California black walnut tree will be impacted by the Project. The loss of one individual of this CNPS List 4.2 species will not threaten regional populations and would not result in a substantial adverse effect on a sensitive species.
- Woollystar. In 2006, PCR Services Corporation (PCR) biologists conducted a sampling effort of corolla lengths which determined that the woollystar within the LCRSP study area most closely resembles the subspecies *elongatum*. PCR's analysis and peer-review indicated that the LCRSP study area does not support the endangered subspecies (*Eriastrum densifolium* ssp. *sanctorum*). Additionally, under the USFWS' and National Oceanic and Atmospheric Administration's (NOAA) proposed rule on hybridization (61 FR 4709 [February 7, 1996]), the LCRSP study area's population would not be considered part of the listed taxon.
- Since none of the recommended threshold criteria would be exceeded, the identified impact would be less than significant and no mitigation measures are recommended or required.

5.5.7 **Biological Resources Impact 5-7**: Sensitive Wildlife Species. Numerous sensitive wildlife species have been observed within the LCRSP study area or have the potential to occur therein. Project development, through direct loss or fragmentation of existing habitat and through the introduction of indirect exogenous effects, will reduce existing sensitive species populations and impact the existing biodiversity of the LCRSP study area.

Findings: The City Council hereby makes Finding (1).

Facts in Support of Findings: The following facts are presented in support of these findings:

- Project-related and cumulative biological resources impacts are addressed in Section 4.5 (Biological Resources), in Appendix III-D (Biological Resources Assessment), Appendix III-E (Jurisdictional Delineation Report), Appendix IV-H (Glenn Lukos Associates Response Regarding State Waters), and Appendices IV-E, IV-F and IV-J (PCR, Biological Resource documents) in the original FEIR, as well as June 30, 2010, and July 25, 2010, memorandums from Dr. Michael J. O'Farrell, and that analysis is incorporated by reference herein.
- The region used in this analysis, identified as the approximately 187,127-acre "biological cumulative impacts study area" (BCISA), is defined to be bordered by Haven Avenue on the west, the lower elevation slopes of the mountains leading into the Angeles and San Bernardino National Forests on the north, and generally and inclusive of the Jurupa Mountains and the Santa Ana River (SAR) to the south and east, respectively. The criteria used to determine the suitable available habitat for the sensitive wildlife species observed or potentially

occurring within the LCRSP study area included: (1) historic locations; (2) presence of habitat known to support the species using current locations and range; and (3) interpretation of vegetation types in aerial photographs to determine suitable habitat.

- The DEIR separately assessed the Project's potential impacts on sensitive wildlife species, including fish (Santa Ana sucker, Santa Ana speckled dace and arroyo chub); amphibians (western spadefoot); reptiles (coast (San Diego) horned lizard, orange-throated whiptail, silvery legless lizard, and coast patch-nosed snake); birds, and mammals.
- No sensitive fish species are expected to occur within the LCRSP study area due to the lack of suitable habitat. The Project will not impact perennial water flow within the main channel of Lytle Creek and no hydro-geomorphic effects on the main channel are anticipated that would effect the potential movement of these species through the area. As a result, the Project is not anticipated to have a significant impact on fish species and/or their habitats and no mitigation is required or recommended.
- Amphibians. No sensitive amphibian species were observed. There is, however, a low potential for the western spadefoot (California Species of Concern [CSC] species) to utilize suitable habitat (grassland) within the LCRSP study area. Suitable habitat (grassland) for this species is limited in the LCRSP study area (354.7 acres) and, should this species occur, would support a relatively small population. The loss of individuals of the western spadefoot species would not threaten the survival of regional populations of this species. Project-related impacts to this species and to the species' potentially suitable habitat would be adverse but less than significant and no mitigation is required or recommended.
- Reptiles. One sensitive reptile, the coast (San Diego) horned lizard, was observed within the LCRSP study area. Other sensitive reptile species with the potential to occur within the LCRSP study area include orange-throated whiptail, silvery legless lizard, and coast patch-nosed snake. Based on the threshold of significance criteria identified herein, the loss of potentially suitable habitat within the LCRSP study area represents an adverse but less-than-significant impact to these species and to their habitats and regional populations.
- Birds. Eleven sensitive bird species were observed within the LCRSP study area, including the American peregrine falcon, willow flycatcher, Vaux's swift, loggerhead shrike, yellow warbler, yellow-breasted chat, coastal California gnatcatcher (CAGN), least Bell's vireo (LBV), burrowing owl (BUOW), white-tailed kite, northern harrier, and golden eagle. Other sensitive bird species not observed within the LCRSP study area but with the potential to occur include long-eared owl and tricolored blackbird. The Project was determined to not have a significant impact on all of these species, except for the least Bell's vireo, and Mitigation Measure 5-4 is adopted to address the vireo. Mitigation Measure 5-5 is adopted to address nesting birds protected by the Migratory Bird Treaty Act. Athough the Project was determined to not have a significant impact on the burrowing owl, Mitigation Measure 5-6 is adopted to ensure that if any burrowing owls were to be found on the Project site prior to grading that appropriate surveys and passive-relocation are undertaken. Mitigation Measure 5-9 is adopted to ensure that prior to commencement of any ground-disturbing activities in areas containing suitable or potentially suitable habitat, the Applicant shall conduct one additional field survey for the slender horned spineflower, least Bell's vireo, Soutwestern Willow Fly Catcher and California coastal gnatcatcher.

- Mammals. Six sensitive mammal species were observed within the LCRSP study area, including the San Diego black-tailed jackrabbit, western mastiff bat, pocketed free-tailed bat, northwestern San Diego pocket mouse, Los Angeles pocket mouse (LAPM), and San Bernardino kangaroo rat (SBKR). Several others sensitive mammal species potentially occur but were not observed, including the California leaf-nosed bat, Townsend's big-eared bat, pallid bat, San Diego desert woodrat, and southern grasshopper mouse. The Project will not significantly affect any of these species, except for the San Bernardino kangaroo rat.
- With respect to the SBKR, the SBKR is considered to occupy approximately 702.7 acres (696.8 on-site and 5.9 off-site acres) of the LCRSP study area. The Project will permanently impact about 140.6 acres (139.2 on-site and 1.4 off-site acres) and temporarily impact about 41.0 acres (35.8 on-site and 5.2 off-site acres) of the 702.7 acres of SBKR-occupied habitat that exists in the LCRSP study area. While impacts to the SBKR in this 51.0-acre area represent a "take" under the FESA, that area's conservation is not likely to contribute meaningfully to the long-term sustainability of the species in Lytle Creek. The Project would retain and contribute an additional 610.8 acre of natural open space to be preserved in perpetuity. Of that, about 443.1 acres are immediately adjacent to the existing 216.8-acre "SBKR Conservation Area." This additional 443.1 acres will result in the expansion of the protected SBKR area in Lytle Creek to 659.8 acres. Within these preservation areas, about 518.6 acres of SBKR-occupied habitat exist. The Project's contribution to this area would be about 316.2 acres (the remaining acreage is entirely within the existing "SBKR Conservation Area"). Some of the 443.1 acres which are proposed for open space retention are located in and around Lyle Creek and currently support chamise chaparral adjacent and downstream of the "SBKR Conservation Area" within Neighborhood III. These areas appear to be good candidates for restoration to suitable SBKR habitat. In addition, areas temporarily impacted by the construction of the levee (which have not been included in the open space areas described above) may also be good candidates for restoration to suitable SBKR habitat.
- In the absence of measures to prevent adverse indirect impacts from affecting the population in the wash, spill-over effects are also deemed to be potentially significant. Such impacts include the harmful effects of unrestricted access and habitat degradation, loss of habitat functions and values due to the establishment of invasive plant species, unnatural predation by domestic pets, and night-lighting.
- Permanent impacts to about 140.6 acres and temporary impacts to 41.0 acres of SBKR-occupied habitat would be deemed potentially significant and, if avoidance where not possible, compensatory resources would be required to compensate for the loss of this occupied habitat, including the taking of those SBKR that reside within that habitat. A mitigation measure (Mitigation Measure 5-7) has been formulated addressing Project-related impacts on SBKR-occupied habitat within the LCRSP study area. That measure would set aside (through the preservation of existing occupied and suitable habitat as well as creation and restoration) adequate wash and upland refugia in a biologically and geographically meaningful configuration necessary to sustain the species in the long-term rather than trying to achieve a set mitigation ratio.
- The Court Ruling rejected a claim that Mitigation Measure 5-7 would be ineffective to mitigate impacts to the SBKR to a less-than-significant level. The

Court Ruling stated, in relevant parts: “To the extent Petitioners are arguing that the mitigation measures [for the SBKR] are not supported by substantial evidence, they do not meet their burden on this issue. . . . . Petitioners argue, without any supporting evidence, that the Project’s impacts ‘are so large as to be essentially unmitigable to a level of insignificance.’”

Mitigation Measure 5-4: Least Bell’s Vireo. Mitigation for direct impacts to approximately 2.9 acres of least Bell’s vireo (LBV) habitat (including the loss of 1.2 acres of mule fat scrub and 1.7 acres of southern cottonwood willow riparian within Neighborhood II) shall include on-site preservation, restoration, and enhancement of southern willow scrub and adjacent mule fat scrub habitat at a minimum 2:1 (replacement: disturbance) ratio. Mitigation shall be accomplished through the enhancement and/or restoration of lands within the Sycamore Flat East riparian corridor. Mitigation shall include a combination of enhancement and restoration of approximately 5.8 acres within the existing Sycamore Flat East riparian corridor and adjacent floodplain to improve the quality of habitat for this species.

Potential indirect impacts to LBV shall be mitigated by implementing the following measures during all construction activities within 300 feet of potential LBV habitat: (1) to the extent feasible, grading and other construction activities within 300 feet of potential LBV habitat should take place outside the breeding season (March 15 to September 15); if grading or construction activities occur during breeding season, the mitigation measures in items (8)-(11) below shall be implemented; (2) to the extent practicable, all potential LBV habitat to be removed by the Project should be cleared outside the breeding season (March 15 to September 15); if grading or construction activities occur during breeding season, the mitigation measures in items (8)-(11) below shall be implemented; (3) construction limits in and around LBV potential habitat shall be delineated with flags and fencing prior to the initiation of any grading or construction activities; (4) prior to grading and construction a training program shall be developed and implemented to inform all workers on the Project about listed species, sensitive habitats, and the importance of complying with avoidance and minimization measures; (5) all construction work shall occur during the daylight hours; (6) noise from construction activities shall be limited to the extent possible through the maximum use of technology available to reduce construction equipment noise; (7) two brown-headed cowbird traps shall be installed and maintained within the general vicinity (within 500 feet) of the habitat for five years. Additional measures shall be taken for all construction activities within 300 feet of potential LBV habitat during the breeding season (March 15 to September 15) and are set forth in items (8)-(11) herein; (8) pre-construction surveys shall be conducted within one week prior to initiation of construction activities and all results forwarded to the USFWS and CDFG; focused surveys shall be conducted for LBV during construction activities; (9) if at any time LBV are found to occur within 300 feet of construction areas, the monitoring biologist shall inform the appropriate construction supervisor to cease such work and shall consult with the USFWS and CDFG to determine if work shall commence or proceed during the breeding season; and, if work may proceed, what specific measures shall be taken to ensure LBV are not affected; (10) monitoring by a qualified acoustician shall be conducted as needed to verify noise levels are below 60 dBA required within identified, occupied LBV territories; if the 60 dBA

requirement is exceeded, the acoustician shall make operational changes and/or install a barrier to alleviate noise levels during the breeding season; and (11) installation of any noise barriers and any other corrective actions taken to mitigate noise during the construction period shall be communicated to the USFWS and CDFG.

Mitigation Measure 5-5: Nesting Birds. To protect nesting birds regulated by the federal Migratory Bird Treaty Act, to the extent feasible, vegetation removal activities shall be scheduled between September 1 and February 14 to avoid the nesting bird season. If clearing and/or grading activities cannot be avoided during the nesting season, all suitable habitat will be thoroughly surveyed for the presence of nesting birds by a qualified biologist prior to removal. If any active nests are detected, the area will be flagged, along with a minimum 100-foot buffer (buffer may range between 100 and 300 feet as determined by the monitoring biologist) and will be avoided until the nesting cycle is complete or it is determined by the monitoring biologist that the nest has failed. A biologist will be present on the site to monitor any vegetation removal to ensure that nests not detected during the initial survey are not disturbed.

Mitigation Measure 5-6: Burrowing Owl. In order to avoid impacts to any burrowing owls that may colonize the development impact footprint prior to commencement of construction activities, a Phase III protocol survey shall be conducted within 30 days prior to commencement of any ground disturbance activities (California Burrowing Owl Consortium, 1993). This pre-construction survey would entail four separate days between two hours before sunset to one hour after or one hour before sunrise to two hours after. This survey applies during both the breeding season (February 1 through August 31) as well as the non-breeding season when wintering owls are most likely detected if present (December 1 through January 31). If burrowing owls are detected within the development impact footprint or within approximately 150 feet of the impact area, on-site passive relocation would be conducted during the non-breeding season in accordance with the established protocol (California Burrowing Owl Consortium, 1993).

Mitigation Measure 5-7: San Bernardino Kangaroo Rat. In order to effectively mitigate the Project-related impacts to the San Bernardino kangaroo rat (SBKR), a combination of several measures shall be implemented including: (1) avoidance, preservation, and creation of on-site habitat; (2) preservation, creation, and connectivity of off-site habitat; (3) avoidance and minimization of direct individual SBKR mortality during construction; (4) minimization of indirect individual SBKR mortality through edge effects; and (5) management programs to assure the ability to sustain on-site and off-site SBKR populations in the long-term.

Implementation of these measures shall result in the preservation of a minimum of 316.2 acres of occupied on-site habitat and the creation of a minimum of 75.0 additional acres of habitat for the species (approximately 34.5 acres upstream of and a minimum of 40.5 acres downstream of the Cemex USA quarry).

On-site avoidance and preservation. On-site avoidance and preservation of occupied habitat shall contribute a total of approximately 316.2 acres to the

existing 216.8-acre “SBKR Conservation Area.” The acreage to be contributed shall support pioneer and intermediate RAFSS where SBKR populations are reported to reach their highest numbers and densities and mature RAFSS which are theorized to serve as refugia and sources for recolonization and repopulation following episodic flooding in active wash areas.

On-site mitigation shall include restoration, creation, and preservation of approximately 34.5 acres of chamise chaparral within Neighborhood II above the 100-year floodplain that is immediately downstream of, and contiguous with, the “SBKR Conservation Area.” The Applicant shall remove the chamise and other species detrimental to the SBKR (such as non-native grasses) and manage these approximately 34.5 acres to supplement the already established founder population (that utilizes the habitat in the “SBKR Conservation Area”) within the wash upstream of the Cemex USA quarry operation. Individual SBKR within the impact footprint shall be salvaged and translocated to unoccupied rehabilitated habitat within the mitigation area.

Off-site preservation and connectivity. In order to achieve adequate mitigation for impacts to occupied habitat downstream of the Cemex USA quarry, the Applicant shall remove chamise from and manage a total of 40 acres within off-site areas offering refugia habitat downstream of the Cemex USA quarry operations to assure a stable population in the downstream wash area. This shall be done by the Applicant in combination with a long-term management plan and managed in perpetuity within the existing Cemex USA mitigation area, San Bernardino County Sheriff woollystar preserve, San Bernardino County Flood Control conservation area, and/or Vulcan Materials Company’s Cajon Creek conservation bank. The criteria for such off-site lands are: (1) upland refugia must be adjacent to active wash areas; (2) the minimum size of any single upland island/patch is 5 acres; and (3) upland refugia must have 80 to 90 percent of its interface between the active wash and upland (common perimeter) that is topographically passable by the species (not supporting steep escarpments) to ensure individuals have access to the wash. Individual SBKR shall be translocated from the impact areas to newly acquired and restored areas to assist with initial colonization.

Refinement of mitigation program through consultation with USFWS. As required under the Federal Endangered Species Act, during the “formal” Section 7 consultation the USFWS will gather all relevant information concerning the Project and the potential Project-related impacts on the SBKR and designated critical habitat, prepare a biological opinion with respect to whether the Project is likely to jeopardize the continued existence of the species, and formulate alternatives and mitigation/conservation measures where appropriate.

Among those measures to be considered by USFWS are those described herein. At its sole discretion, the USFWS may refine, expand, and/or substitute some of these measures, or parts thereof, based on its analysis and determination that such modifications are required to comply with federal law. Accordingly, as long as any such modified, different or substituted on-site or off-site habitat creation, restoration, enhancement and/or management measures are found by the USFWS to result in a SBKR conservation program that is at least as effective in mitigating the impacts to SBKR as proposed herein (as evidenced by a

determination by USFWS that the Project will not jeopardize the continued existence of the SBKR or result in the adverse modification of its designated critical habitat), such measures may be substituted for the on-site and off-site habitat creation, restoration, enhancement and/or management measures identified herein.

Avoidance and minimization of direct mortality of individuals. Construction-related mortality to individual SBKR shall be avoided through the design and implementation of a pre-construction trapping and relocation program. Key elements of this program shall include: (1) initial establishment of one or more receiver sites where suitable habitat is known to be unoccupied, is significantly below carrying capacity levels, and/or where scrub vegetation has been restored and colonization by the species has not occurred; (2) installation of exclusionary fencing at the limits of construction within suitable habitat areas; and (3) live-trapping of suitable habitat within construction areas and the relocation of trapped individuals to one or more biologically appropriate receiver sites.

Implementation of the trapping and relocation program shall begin with the installation of appropriate exclusionary fencing to a height of three feet around all construction areas within occupied SBKR habitat. A qualified and permitted biologist shall then conduct live trapping of the construction area to the extent necessary to be confident that all SBKR have been removed and relocated. It is anticipated that live trapping and relocation shall be conducted one time prior to construction; however, follow-up monitoring of the silt fence integrity shall be preformed on a daily basis during construction. If at any point the fencing is compromised, construction shall be suspended in the area, repairs to the fence shall be made, and the trapping and relocation program shall be repeated.

Minimization of indirect mortality of individuals. Edge effects, or mortality due to the “spillover” effects of development near and adjacent to areas preserved for the benefit of the species shall be minimized through design elements intended to buffer and avoid human-wildlife conflicts. Key elements shall include: (1) installation of a cat-proof fence at the perimeter of development where it abuts preservation areas, and the location of all pedestrian and vehicular routes and trails outside the fence (except any routes necessary solely for conservation activities within the preserved habitat areas or associated with any pre-existing easements); (2) prohibition of night lighting along the perimeter of preserved areas; (3) direction of all night lighting within development areas away from preserved areas; (4) installation of signage to direct human activity away from preserved habitat areas; (5) prohibition of unleashed dogs within preserved habitat areas; and (6) implementation of a homeowner’s awareness program to educate residents about the conservation values associated with preserved habitat areas.

Long-term management of preserved habitat areas. All areas to be preserved as natural (undisturbed) biological open space to benefit the SBKR within the LCRSP study area, as well as all areas to be restored both on and off the site, shall be monitored biologically for five years and managed in perpetuity by an appropriate management entity. Monitoring of SBKR populations within the areas to be preserved shall take place over a five-year period to ensure the success of the mitigation efforts such that they provide suitable habitat for this species. On-going maintenance (e.g., fence and sign repair) and management

(e.g., periodic vegetation thinning) shall be a part of the long-term management plan.

As determined by the Director, this plan shall be funded through a combination of up-front capital costs and revenue-generating, non-wasting endowment funded by the Applicant. If additional work is determined to be necessary after the five years of monitoring, the funds provided by the Applicant shall be such that they cover adaptive management necessary to meet the success criteria stated therein.

Mitigation Measure 5-9: Prior to the commencement of any ground-disturbance activities within areas containing suitable or potentially suitable habitat, in accordance with applicable protocol requirements, if any, the Applicant shall conduct one additional survey for each of the following wildlife species: slender horned spineflower, least Bell's vireo, southwestern willow flycatcher, and coastal California gnatcatcher. Should individuals of any of these species be found to occupy the proposed area of disturbance, prior to the commencement of those activities, the Applicant shall obtain any requisite incidental take authorization in accordance with the requirements of the federal Endangered Species Act.

- Implementation of the recommended mitigation measure will reduce Project-related impacts on sensitive wildlife species a less-than-significant level.

5.5.8 **Biological Resource Impact 5-8**: Invasive Plant Species. Project development has the potential to result in the introduction of invasive non-native plants that could spread to retained on-site open space areas and/or adjoining off-site areas, potentially reducing the propensity of native species to succeed in the general Project area.

Findings: The City Council hereby makes Finding (1).

Facts in Support of Findings: The following facts are presented in support of these findings:

- Project-related and cumulative biological resources impacts are addressed in Section 4.5 (Biological Resources), in Appendix III-D (Biological Resources Assessment), Appendix III-E (Jurisdictional Delineation Report), Appendix IV-H (Glenn Lukos Associates Response Regarding State Waters), and Appendices IV-E, IV-F and IV-J (PCR, Biological Resource documents) in the original FEIR and that analysis is incorporated by reference herein.
- During construction, invasive species can be introduced through the use of hay, straw, and other organic mulches to control erosion and transported from off-site areas via construction equipment, soils, and landscape materials. In addition, following the commencement of the site's use, occupancy, and habitation, homeowners and other parties can introduce invasive plants through landscaping improvements that incorporate those species.
- The California Invasive Plants Council (CIPC) has published a list of exotic plants known to be invading native ecosystems and plant communities. A number of non-native plants have recently been observed or are suspected to occur on the Project site. These species, as well as other invasive plants, could be introduced

and could propagate in retained on-site open space areas and off the Project site, including the SBNF.

- Impacts to and upon sensitive plants and plant communities resulting from introduced non-native plants are deemed potentially significant prior to mitigation. Mitigation Measure 5-8 requiring the preparation of an invasive plant management plan, has been formulated and, when implemented, will reduce potential impacts to a less-than-significant level.

  Mitigation Measure 5-8: Invasive Plant Management Plan. Prior to the commencement of any grubbing or grading activities, the Applicant shall submit and, when acceptable, the Director shall approve an invasive plant management plan, including, but not necessarily limited to: (1) preventive practices to avoid the transport and spread of weeds and weed seed during Project development and operation; (2) a plan to control noxious weeds and weeds of local concern within designated open space areas; and (3) a strategy to educate construction personnel and homeowners in noxious weed identification and awareness. The invasive plant management plan shall incorporate weed prevention and control measures including, but not necessarily limited to: (1) use of only certified weed-free hay, straw, and other organic mulches to control erosion; (2) use of road surfacing and other earthen materials for construction that are certified weed free; and (3) use of only certified weed-free seed for the reclamation of disturbed areas.

5.5.9 **Biological Resource Impact 5-9**: Project implementation will result in the introduction of additional indirect or secondary effects that could adversely impact the viability of on-site and off-site open space areas to serve a continuing viable habitat function.

Findings: The City Council hereby makes Finding (1).

Facts in Support of Findings: The following facts are presented in support of these findings:

- Project-related and cumulative biological resources impacts are addressed in Section 4.5 (Biological Resources), in Appendix III-D (Biological Resources Assessment), Appendix III-E (Jurisdictional Delineation Report), Appendix IV-H (Glenn Lukos Associates Response Regarding State Waters), and Appendices IV-E, IV-F and IV-J (PCR, Biological Resource documents) in the original FEIR and that analysis is incorporated by reference herein.
- Project implementation will result in indirect or secondary effects such as increased human presence, construction and background noise, light intrusion, the introduction of non-native species (including pets and ornamental plants), and the introduction of environmental contaminants.
- Indirect impacts to the LBV are potentially significant and would be expected to occur within the Sycamore Flat East riparian corridor area of Neighborhood I where proposed development is within several hundred feet of potentially suitable habitat for this species. Indirect impacts resulting from edge effects primarily include potential noise impacts from adjacent construction as well as potential predation by pets as a result of adjacent human habitation. Implementation of Mitigation Measure 5-4, set forth above, has been formulated to reduce indirect impacts to LBV to a level below significance. Mitigation

Measure 5-7 has been formulated addressing Project-related impacts on SBKR-occupied habitat within the LCRSP study area. Indirect impacts to SBKR would be reduced to a level below significance as the result of the implementation of that measure.

- As a result of comments regarding the potential for surface water diversion and groundwater recharge programs being implemented by CEMEX USA to result in direct impacts downstream to biological resources within Lytle Creek and Santa Ana River due to the potential for in-stream flow reductions, Mitigation Measure 5-10 is being adopted to ensure that any surface water diversion does not occur until a minimum surface flow threshold has been exceeded to ensure that downstream water flows will not be significantly impacted during the non-wet months as a result of water diversion for groundwater recharge to the CEMEX South Pit.
- Indirect impacts to other plant and wildlife within the LCRSP study area may result in increased mortality of native species but would be less than significant.

Mitigation Measure 5-10: Surface Water Diversion for Groundwater Recharge. If the Applicant is required to complete the levee repair work in Mitigation Measure 4-5, then prior to any ground disturbance for construction in Neighborhoods II or III, the Applicant shall first obtain binding assurances, acceptable to the City, from the LCWCA or its relevant member agencies, that no water diversions will be made by LCWCA member agencies using the inlet pipes to be installed in the Cemex USA South Pit levee unless the daily flow in Lytle Creek through the Project site exceeds 80 cubic feet/second (cfs).

5.5.10 **Biological Resources Impact 5-10**: Implementation of the Project, in combination with other reasonably foreseeable future projects, will contribute incrementally to the continuing reduction in relatively natural, undisturbed open space areas found within the general Project area and contribute to the progressive fragmentation of habitat areas and decline in species diversity throughout the region.

Findings: The City Council hereby makes Finding (1).

Facts in Support of Findings: The following facts are presented in support of these findings:

- Project-related and cumulative biological resources impacts are addressed in Section 4.5 (Biological Resources), in Appendix III-D (Biological Resources Assessment), Appendix III-E (Jurisdictional Delineation Report), Appendix IV-H (Glenn Lukos Associates Response Regarding State Waters), and Appendices IV-E, IV-F and IV-J (PCR, Biological Resource documents) in the original FEIR and that analysis is incorporated by reference herein.
- Biological resource values within, adjacent to, and outside the LCRSP study area were determined by consideration of several factors, including the overall size of habitats to be affected, previous land uses and disturbance history, surrounding environments and regional context, biological diversity and abundance, the presence of sensitive and special-status species, and the degree to which the LCRSP study area habitats are limited or restricted in distribution on a regional basis.

- The assessment considered past, present, and reasonably foreseeable future projects (within the next fifteen years), including federal, non-federal, and private actions to the extent that information was available and deemed to be reliable and accurate.
- Scrub, chaparral, and riparian species. With the exception of the LBV and SBKR, sensitive wildlife species dependent upon these habitat types are neither State nor federally-listed as threatened or endangered. The loss of individuals due to these relative levels of habitat loss would not threaten their regional populations within the BCISA, and the potential cumulative loss or disruption of potentially suitable habitat represents a less-than-significant impact to regional populations of these species and no mitigation is required or recommended.
- Least Bell's vireo. The Project will add incrementally to the cumulative impacts to LBV habitat within the BCISA but the impacts from the Project would not be deemed cumulatively significant in light of the amount of habitat or this species that remains available and protected.
- Los Angeles Pocket Mouse Habitat. The Project will add incrementally to the cumulative impacts to LAPM habitat within the BCISA but the impacts from the Project would not be deemed cumulatively significant in light of the amount of habitat that remains available for this species in the BCISA.
- Raptor foraging habitat. The Project will add incrementally to the cumulative impacts to raptor foraging habitat within the BCISA but the impacts from the Project would not be cumulatively significant in light of the amount of habitat that remains available for this species in the BCISA and no mitigation is required or recommended.
- Riversidean alluvial fan sage scrub. On a cumulative basis, taking into consideration the role of the RAFSS community within the BCISA to provide habitat for plant and animal species, a 10 percent cumulative loss of habitat would not result in declines of numbers below self-sustaining levels for any particular species and would not result in the remaining AFSS in the BCISA falling below self-sustaining levels as a community. Implementation of those mitigation measures formulated at the Project level (Mitigation Measures 5-1 and 5-7, set forth above) will reduce the Project's incremental cumulative contribution to a less-than-significant level by facilitating the assemblage of large blocks of continuous preserved habitat.
- San Bernardino kangaroo rat. In order to assess potential cumulative impacts to SBKR habitat within the region, the assessment of cumulative impacts to RAFSS habitat was utilized. Approximately 769 acres (10 percent) of RAFSS habitat will be cumulatively impacted by approved, pending, and reasonably foreseeable future projects. This level of potential cumulative loss is deemed significant on a regional basis. This determination is based on the endangered status of the species and the degree to which a seven percent cumulative loss, in the absence of mitigation, could accentuate the fragmentation and isolation of existing populations.
- At the Project level, a number of mitigation measure have been formulated addressing both the provision of compensatory resources for impacts to RAFSS (Mitigation Measure 5-1) and, with regards to SBKR, the avoidance, preservation, enhancement, and creation of on-site habitat and off-site connectivity, minimization of impacts, and the implementation of a management program to enhance sustainability (Mitigation Measure 5-7). From a cumulative perspective, implementation of those same mitigation measures will reduce the

Project's incremental contribution to potential cumulative impacts to a less-than-significant level by facilitating the assemblage of large blocks of continuous preserved habitat.

- Wildlife Movement. Although the Project preserves the majority of Lytle Creek as a wildlife corridor within the LCRSP study area, development along the southern edge of the wash limits the area of available habitat that could be utilized for wildlife movement. In combination with the levee that has been built along the northern bank of LCNPD, the Project will reduce the width of the corridor used by wildlife in this area and would contribute to cumulative regional impact on wildlife movement corridors. Cumulative impacts on wildlife movement would be less than significant and no mitigation for cumulative impacts to wildlife movement is required or recommended.
- Implementation of Mitigation Measures 5-1 and 5-7, and 5-10 which mitigate significant impacts at the Project-level to less than significant will also serve to mitigate cumulative impacts for these species to less than significant. No other mitigation is required.

5.6 Transportation and Traffic

5.6.1 **Transportation and Traffic Impact 6-1:** Based on the construction of new roadways and other infrastructure improvements, the Project could substantially increase hazards due to a traffic-related design features.

Finding: The City Council hereby makes Finding (1).

Facts in Support of Finding: The following facts are presented in support of this finding:

- Project-related and cumulative transportation and traffic impacts are addressed in Section 4.6 (Transportation and Traffic), Appendix II-A (Traffic Impact Analysis), and Appendix IV-C (Traffic Study Update) in the original FEIR, and in Section 2.2 (Transportation/Traffic: "Sunnyvale" Analysis) and Appendix V-C (Addendum to the Traffic Impact Analysis) in the RPDEIR. That analysis is incorporated by reference herein.
- The Project's construction will require the importation of building materials to the Project site and the exportation of organic materials, waste, and other surplus products brought to the site but not consumed during the construction process. Since grading will be balanced on the Project site and since the Project's build-out period may extend over a 20-year period, no substantial short-term increase in heavy equipment traffic is anticipated along area roadways. Since peak construction hours are typically off-set from typical peak hours for street traffic, Project-induced construction traffic will not significantly add to congestion during AM or PM peak-hour periods. Since portions of the Project site will be developed and occupied prior to other portions, Project-related construction traffic will remain evident following the initial commencement of occupancy and the operation of proposed on-site land uses.
- Short-term lane closures may occur along major arterial, freeway ramps, and other affected roadways as a direct result of the Project's development and as a result of the Project-induced and regional need to improve the area's street and utility systems. Trenching, street widening, and other related activities may result in short-term street and lane closures and/or impede turning movements into and

out of adjoining properties. Also, during construction, there is a potential for the heavy trucks to pose a danger to traffic and pedestrians as a result of the increased volume of heavy- and medium-duty trucks, turning movements required along the major arterials leading to and from the Project site, and shared use of internal roadways during concurrent construction, operation, and occupancy.

- The California Department of Transportation's (Caltrans) "Manual of Traffic Controls for Construction and Maintenance Work Zones" provides useful guidance to both the Lead Agency and to the Applicant and certain provisions contained therein could be reasonably imposed by the City and/or by the Applicant in order to ensure appropriate and continuing vehicular access to and across the Project site.
- The Federal Highway Administration's (FHWA) "Part VI Standards and Guides for Traffic Controls for Street and Highway Construction, Maintenance, Utility and Incident Management Operations," a component of the "Manual on Uniform Traffic Control Devices" (MUTCD), acknowledges that, to the extent interruptions in normal flow are necessary for temporary traffic control operations or other events that must temporarily disrupt normal traffic flow, traffic control plans (TCPs) can play an important role in providing continuity of safe and efficient traffic flow. TCPs describe those traffic controls to be used for facilitating vehicle and pedestrian traffic through a temporary traffic control zone.
- Compliance with Caltrans and FHWA traffic standards for construction and implementation of standard construction practices and permit conditions have been demonstrated to ensure the safe movement of traffic and pedestrians and the safety of construction workers during those periods. Because of the potential for the short-term disruptions to traffic and impedance of site access during Project construction, Mitigation Measure 6-1 and Mitigation Measure 6-2 have been formulated imposing an obligation upon the Applicant to repair any construction-related damage to affected roadways and requiring the preparation of a detailed TCP for new major development projects prior to the approval of final grading permits.

Mitigation Measure 6-1: As a condition to the issuance of final grading permits, the Applicant shall be responsible for the repair of any damage to roads resulting from the delivery of heavy equipment and building materials and the import and export of soil and other materials to and from the Project site. Any resulting roadway repairs shall be to the satisfaction of the City, if within the City, or the County, if located in an unincorporated County area.

Mitigation Measure 6-2: Traffic Control Plan. Prior to the issuance of the final grading plan for new major development projects, defined herein as 50 or more new dwelling units and/or 50,000 or greater square feet of new non-residential use, the Applicant shall submit and, when deemed acceptable, the City Engineer shall approve a traffic control plan (TCP), consistent with Caltrans' "Manual of Traffic Controls for Construction and Maintenance Work Zones," or such alternative as may be deemed acceptable by the City Engineer, describing the Applicant's efforts to maintain vehicular and non-vehicular access throughout the construction period.

If temporary access restrictions are proposed or deemed to be required by the Applicant, the plan shall delineate the period and likely frequency of such

restrictions and describe emergency access and safety measures that will be implemented during those closures and/or restrictions

- Incorporation of those measures together with compliance with Caltrans and FHWA traffic standards for construction will reduce potential construction-term impacts to a less-than-significant level.

5.6.2 **Transportation and Traffic Impact 6-2:** Based on individual Project-level schedules formulated by the developers of each planning area, construction activities may be occurring adjacent to occupied properties. Construction vehicles may, therefore, transport equipment, building materials, and hauling debris along local and collector streets within and adjacent to established residential areas and other areas where people congregate. In addition, Project construction will result in the introduction of construction vehicles and equipment and could result in the release of soil and other debris onto public roadways.

Finding: The City Council hereby makes Finding (1).

Facts in Support of Finding: The following facts are presented in support of this finding:

- Project-related and cumulative transportation and traffic impacts are addressed in Section 4.6 (Transportation and Traffic), Appendix II-A (Traffic Impact Analysis), and Appendix IV-C (Traffic Study Update) in the original FEIR, and in Section 2.2 (Transportation/Traffic: "Sunnyvale" Analysis) and Appendix V-C (Addendum to the Traffic Impact Analysis) in the RPDEIR. That analysis is incorporated by reference herein.
- Heavy equipment, including trucks transportation construction materials and debris, will access and depart from the Project site throughout the construction period. Large trucks often have reduced visibility based on the loads those vehicles carry and the generally elevated location of the drivers. Children residing in the existing residential neighborhoods located adjacent to the Project site, playing on or near neighborhood streets, or traveling to and from proximal school sites may be unaware of approaching construction traffic. Operators of large trucks and trucks hauling construction equipment and building materials may be unaware of the presence of children, bicyclists, and household pets.
- To best ensure the safety of pedestrians and residences and enhance the protection of children and others residing in adjoining neighborhoods, Mitigation Measure 6-3 has been formulated requiring the Applicant's preparation of a construction traffic management plan (CTMP) prior to the approval of final grading permits for new major development projects.
- Heavy equipment used during construction that may use the off-site access road owned by the County connecting Neighborhood II to Highland Avenue may encounter trucks operated by Vulcan Materials Company as part of its commercial mining operations. In order to minimize potential conflicts during construction, Mitigation Measure 6-7 has been adopted to avoid potential conflict issues arising from the use of this private access road by the Applicant and Vulcan.
- Compliance with and enforcement of speed laws and other provisions of the California Vehicle Code (CVC) and the safe use and operation of vehicles by

their drivers would be expected to keep public safety issues at a less-than-significant level.

Mitigation Measure 6-3: Construction Traffic Safety Plan. Prior to the issuance of the final grading permit for new major development projects, the Applicant shall submit and, when deemed acceptable, the City shall approve a construction traffic mitigation plan (CTMP). The CTMP shall identify the travel and haul routes through residential neighborhoods, if any, to be used by construction vehicles; the points of ingress and egress of construction vehicles; temporary street or lane closures, temporary signage, and temporary striping; the location of materials and equipment staging areas; maintenance plans to remove spilled debris from neighborhood road surfaces; and the hours during which large construction equipment may be brought onto and off the Project site. The CTMP shall provide for the scheduling of construction and maintenance-related traffic so that it does not unduly create any safety hazards to children, to pedestrians, and to other parties.

Mitigation Measure 6-7: Prior to use by the Applicant of the off-site access road owned by the County connecting Neighborhood II to Highland Avenue, the Applicant shall meet with Vulcan Materials Company (Vulcan) representatives and develop a traffic management plan acceptable to Vulcan and the Applicant for the use of that roadway to allow Vulcan safe, uninterrupted use of the roadway for its commercial mining purposes.

- Implementation of the recommended mitigation measure will reduce potential transportation and traffic impacts to a less-than-significant level.

5.6.3 **Transportation and Traffic Impact 6-3:**: Project operations could cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system.

Finding: The City Council hereby makes Finding (1).

Facts in Support of Finding: The following facts are presented in support of this finding:

- Project-related and cumulative transportation and traffic impacts are addressed in Section 4.6 (Transportation and Traffic), Appendix II-A (Traffic Impact Analysis), and Appendix IV-C (Traffic Study Update) in the original FEIR, and in Section 2.2 (Transportation/Traffic: "Sunnyvale" Analysis) and Appendix V-C (Addendum to the Traffic Impact Analysis) in the RPDEIR. That analysis is incorporated by reference herein.
- The "San Bernardino County Congestion Management Plan, 2005 Update" (County CMP) was adopted by the San Bernardino Associated Governments (SANBAG) on November 2, 2005. The adopted LOS standards for the County CMP system are the minimum standards allowable under Section 65089(b)(1)(B) of the CGC, namely LOS "E" for all segments and intersections, except those designated LOS "F". A provision is made for any LOS "F" facility not to deteriorate greater than 10 percent below its level of service value at the time of the County CMP's initial adoption. The procedures in the 2000 "Highway Capacity Manual" (HCM) have been adopted as the level of service procedures for the County CPM.

- Each local jurisdiction is required to adopt a regional transportation development mitigation program (RTDMP). The San Bernardino Associated Governments (SanBAG) "Nexus Study" determined the fair-share contributions from new development for each local jurisdiction. The "Regional Transportation Development Mitigation Plan of the County of San Bernardino" (County RTDMP) has been developed to satisfy the provisions of the County CMP.
- A fee program has been established to fund the fair-share development contribution of improvement cost for specific transportation facilities. In calculating fees, the fair-share contribution of total Project costs in each subarea is divided by the projected vehicular generation attributable to new development in that subarea.
- A key element of the County CMP is the traffic impact analysis (TIA) report for a Project. The TIA, prepared by local jurisdictions, serves to provide a basis for addressing the impacts of land-use decisions on the regional transportation system by providing a consistent format to identify and mitigate traffic impacts and quantify mitigation costs.
    (a) The scope of the LCRSP's TIA that was prepared as part of the original DEIR and FEIR was developed in conjunction with the staffs of the City and SanBAG.
    (b) For this Project, the study intersections and freeway segments were selected based on the identification of traffic volumes that would exceed County standards. According to the County CMP standards, the study area must include all major intersections with 50 or more peak-hour Project trips (two-way) and freeway segments with 100 or more peak-hour Project trips (two-way) within a five-mile radius from the Project site.
    (c) Based on those standards, a total of 75 study intersections and 29 study freeway segments were selected for analyses. All traffic analyses were performed using traditional and well-established traffic engineering techniques. Traffic counts were conducted in the first quarter of 2007 specifically for this study to ensure that accurate traffic patterns would be reflected in this analysis. Other data (i.e., intersection geometrics, parking-related curb restrictions and traffic signal and stop-controlled operations) were obtained by field surveys at the study locations.
    (d) The Project's TIA was separately reviewed by SanBAG, acting in its role as Congestion Management Agency (CMA), and by other potentially impacted jurisdictions, in concert with the permitting jurisdiction's Project review schedule and prior to any approval or permitting activity.
- An analysis of 2007 traffic conditions at the 75 existing study area intersections shows that all but 12 intersections (seven County CMP intersections and five study area intersections) are operating at Level of Service (LOS) "D" or better during the peak hours.
- The TIA and Traffic Study Update (Appendix IV-C) included in the original FEIR assessed the Project's traffic impacts based on anticipated horizon year's (2030) traffic volumes. The Year 2030 traffic volumes, as projected in the general Project area, were forecast by the City of San Bernardino, using their local refinement of the regional travel demand model, called the East Valley Transportation Model (EVTM). Based on the analysis of Year 2030 conditions,

the original FEIR concluded that, under the City's significance threshold, a significant traffic impact would result at 22 study intersections under the "with project" condition prior to mitigation. This analysis remains valid after the Court Ruling as a determination of significant impacts for the "Future (2030) Conditions plus Project" analysis of cumulative impacts.

- Feasible roadway improvements and traffic reduction measures were designed and included in the original FEIR to mitigate the significant traffic impacts of the Project at those 22 intersections. These mitigation measures included Project area and CMP intersection improvements based on a fair-share contribution of the costs of those improvements (Mitigation Measure 6-4), improvements performed by the Applicant (Mitigation Measure 6-5) and other regional transportation system improvements (Mitigation Measure 6-6).
- The Court Ruling found that the assessment of the Project's traffic impacts based on Year 2030 traffic volumes was not sufficient under CEQA and required the preparation of a "Sunnyvale" Analysis to compare the Project to the existing conditions during the approval process. A "Sunnyvale" Analysis comparing Existing (2007) Conditions without the Project to Existing Conditions expected to be produced with the Project ("Existing (2007) Conditions plus Project") was prepared as part of the RPDEIR in accordance with the Court Ruling. In the "Sunnyvale" Analysis, only the traffic routes that existed during the collection of traffic count data in the first quarter of 2007 for the 75 study intersections were included. As with the TIA, for the "Sunnyvale" Analysis, a significant Project impact would occur where the Project would contribute 50 or more peak-hour trips at a location and where Project traffic would cause conditions to degrade below the City's goal of LOS D.
- The "Sunnyvale" Analysis prepared for the RPDEIR concludes that 16 study intersections would be significantly impacted by the Project under the "Existing (2007) Conditions plus Project" when no roadway improvements or cumulative traffic growth are included. These 16 significantly-impacted intersections, pre-mitigation, were determined to be Project-specific impacts given the nature of the "Sunnyvale" Analysis.
- Of the 16 intersections impacted under the "Existing (2007) Conditions plus Project" scenario, 10 of these intersections were also found to be significantly impacted under the "Future (2030) Conditions plus Project" scenario analyzed in the original FEIR. These 10 overlapping intersections, plus the 6 intersections only significantly impacted under the "Existing (2007) Conditions plus Project" scenario, are appropriately addressed and mitigated below significant levels through the Project-specific intersection mitigation measures identified in revised Mitigation Measure 6-4(a), discussed below. The remaining intersections that are significantly impacted under a "Future (2030) Conditions plus Project" analysis are addressed as part of the mitigation of impacts resulting from cumulative conditions and are included in revised Mitigation Measure 6-4(b), below.
- Several important roadway routes were not yet completed during the traffic data collection period that occurred during the first quarter of 2007, and were therefore not included in the Existing (2007) Conditions. These included the additional routes resulting from the SR-210/SR-30 freeway gap closure project and the Glen Helen Parkway extension, as well as other surface roadway improvements around the Project Site. As of November 2011, the SR-210/SR-30 freeway gap closure project and the Glen Helen Parkway extension have been completed and

are therefore appropriate for inclusion in the "Sunnyvale" Analysis as existing conditions. In the "Sunnyvale" Analysis, the roadway improvements assist in reducing Project-related impacts to less than significant levels.

- As a result of the "Sunnyvale" Analysis, the Mitigation Measure indentified in the original FEIR as 6-4 has been revised as Mitigation Measure 6-4(a) to address the Project-specific impacts to the 16 intersections impacted under the "Existing (2007) Conditions plus Project" analysis.

  Mitigation Measure 6-4(a): Project-Specific Intersection Mitigation. Should the level of Project development generate trip levels exceeding those indicated at the following intersections (on an intersection by intersection basis), as indicated on a trip generation report submitted to the City by the Applicant prior to the approval of a Tentative "B" Map, the Applicant shall cause to be completed the following improvements prior to the City's issuance of any certificates of occupancy for the level of development that causes the exceedance. This obligation does not apply to those intersections listed below at which (i) certain improvements have already been constructed and the "Sunnyvale" Analysis determined that such improvements would reduce Project impacts to less-than-significant or (ii) the "Sunnyvale" Analysis determined Project impacts would be less-than-significant due to the completion of the SR- 210/SR-30 gap closure project and Glen Helen Parkway extension project.

  - I-215 Freeway Southbound On/Off Ramps & University Parkway (Study Intersection No. 7). Improve University Parkway to provide an exclusive right-turn lane in the Northbound direction and one left-turn lane, one left/through-shared lane, and one through lane in the Southbound direction. In order to accommodate the left-through-shared lane, modify the existing traffic signal to allow split phases for the Northbound and Southbound approaches. (Minimum trip levels: P.M. Peak Hour = 9,840.)
  - I-15 Southbound On/Off Ramps & Glen Helen Parkway (Study Intersection No. 8). Install traffic signal. (Minimum trip levels: A.M. Peak Hour = 794; P.M. Peak Hour = 427, whichever is triggered first). This improvement need not be completed should the I-15/I-215 interchange improvements project described in the Traffic Study be constructed prior to Project development exceeding the above minimum trip levels.
  - I-15 Northbound On/Off Ramps & Glen Helen Parkway (Study Intersection No. 9). (The "Sunnyvale" Analysis determined that the Project would not result in significant impacts at this intersection, due to the completion of the SR-210/SR-30 gap closure project and Glen Helen Parkway extension project.)
  - Lytle Creek Road & Sierra Avenue (Study Intersection No. 11). Restripe Lytle Creek Road and Sierra Avenue to accommodate one left-turn lane and two through lanes in the northwest-bound direction and one through lane and one through/right-shared lane in the southeast-bound direction. Install a traffic signal at this location. (With the exception of the installation of the traffic signal, this improvement has already been constructed, and the "Sunnyvale" Analysis determined that additional mitigation is not required.)
  - I-15 Freeway Southbound On/Off Ramps & Sierra Avenue (Study Intersection No. 12). Improve Sierra Avenue to provide dual left-turn lanes and two through lanes in the northwest-bound direction and two through lanes and one free right-turn lane in the southeast-bound direction. Widen

the Southbound off-ramp to accommodate one left-turn lane, one left/right-shared lane, and one right-turn lane. Install a traffic signal at this location. (Minimum trip levels: A.M. Peak Hour = 272; P.M. Peak Hour = 281, whichever is triggered first.)

- I-15 Freeway Northbound On/Off Ramps & Sierra Avenue (Study Intersection No. 13). Improve Sierra Avenue to provide dual left-turn lanes and two through lanes in the southeast-bound direction and two through lanes and one right-turn lane in the northwest-bound direction. Reconstruct the Northbound off-ramp to accommodate one left-turn lane, one left/through-shared lane, and one free right-turn lane. Install a traffic signal at this location. (Minimum trip levels: A.M. Peak Hour = 240; P.M. Peak Hour = 222, whichever is triggered first.)
- I-15 Freeway Southbound On/Off Ramps & Summit Avenue (Study Intersection No. 16). Restripe Summit Avenue to accommodate one additional left-turn lane in the Eastbound direction. (The "Sunnyvale" Analysis determined that the Project would not result in significant impacts at this intersection, due to the completion of the SR-210/SR-30 gap closure project and Glen Helen Parkway extension project.)
- I-15 Freeway Northbound On/Off Ramps & Summit Avenue (Study Intersection No. 17). Restripe the Northbound off-ramp to provide dual left-turn lanes and one right-turn lane. (The "Sunnyvale" Analysis determined that the Project would not result in significant impacts at this intersection, due to the completion of the SR-210/SR-30 gap closure project and Glen Helen Parkway extension project.)
- Riverside Avenue & Sierra Avenue (Study Intersection No. 18). Widen and restripe Sierra Avenue to provide dual left-turn lanes and two through lanes in the Southbound direction. Improve the intersection to allow a free right-turn from Riverside Avenue onto Sierra Avenue. Install a traffic signal at this intersection. (Minimum trip levels: A.M. Peak Hour = 258; P.M. Peak Hour = 247, whichever is triggered first).
- Riverside Avenue & Linden Avenue (Study Intersection No. 22). Widen and restripe to provide one left-turn lane, one through lane, and one through/right-shared lane in the northwest-bound direction. (Minimum trip levels: A.M. Peak Hour = 250; P.M. Peak Hour = 210, whichever is triggered first.)
- Bohnert Avenue & Locust Avenue (Study Intersection No. 31). (The "Sunnyvale" Analysis determined that the Project would not result in significant impacts at this intersection, due to the completion of the SR-210/SR-30 gap closure project and Glen Helen Parkway extension project.)
- Casmalia Street & Alder Avenue (Study Intersection No. 34). (The "Sunnyvale" Analysis determined that the Project would not result in significant impacts at this intersection, due to the completion of the SR-210/SR-30 gap closure project and Glen Helen Parkway extension project.)
- SR-210 Freeway Westbound On/Off Ramps & Alder Avenue (Study Intersection No. 39). (The "Sunnyvale" Analysis determined that the Project would not result in significant impacts at this intersection, due to the completion of the SR-210/SR-30 gap closure project and Glen Helen Parkway extension project.)
- Easton Street & Ayala Drive (Study Intersection No. 55). Flare and restripe Easton Street in the Eastbound direction to accommodate an exclusive

right-turn lane. Modify the traffic signal to include a right-turn overlap phase with the left-turn phase in the Northbound direction. (This improvement has already been substantially constructed, and the "Sunnyvale" Analysis determined that additional mitigation is not required.)

- ♦ Easton Street & Riverside Avenue (Study Intersection No. 56). (The "Sunnyvale" Analysis determined that the Project would not result in significant impacts at this intersection, due to the completion of the SR-210/SR-30 gap closure project and Glen Helen Parkway extension project.)
- ♦ Baseline Road & Alder Avenue (Study Intersection No. 59). Flare and restripe Alder Avenue to provide one left-turn lane, one through lane, and one through/right shared lane in the Southbound direction. (The "Sunnyvale" Analysis determined that the Project would not result in significant impacts at this intersection, due to the completion of the SR-210/SR-30 gap closure project and Glen Helen Parkway extension project.)

- The remaining intersections that will be significantly impacted by cumulative conditions under the "Future (2030) Conditions plus Project" analysis are addressed through a fair-share contribution of the cost of the improvements that have been identified to mitigate the impact below the level of significance.

  Mitigation Measure 6-4(b): Fair-Share Contribution. The Applicant shall equitably contribute to the implementation of identified improvements to the following project area and CMP intersections by paying a "fair share" of the cost of those improvements that is proportional to the Project's contribution of traffic volumes at such intersections under cumulative conditions, as determined by the City and County, unless those improvements have already been implemented. These measures are included as part of those transportation improvements being funded by the City's transportation development impact fees. The Project will be required to pay into this fund, less any in-lieu credit for measures which the Applicant implements. In addition, should any of the intersections listed below not be part of a mitigation plan involving the improvement of such intersections that has been approved by the relevant agency, the Applicant would be required to contribute 100 percent of the cost of the improvement.

  - ♦ I-215 Freeway Northbound On/Off Ramps/Arrowhead Boulevard & Devore Road (Study Intersection No. 1). Install traffic signal.
  - ♦ Cajon Blvd & Glen Helen Parkway (Study Intersection No. 3). Install traffic signal.
  - ♦ I-215 Freeway Northbound On/Off Ramps & Palm Avenue (Study Intersection No. 4). Install traffic signal.
  - ♦ I-215 Freeway Southbound On/Off Ramps & Palm Avenue (Study Intersection No. 5). Install traffic signal.
  - ♦ Lytle Creek Road & Glen Helen parkway (Study Intersection No. 10). Restripe Lytle Creek Road to accommodate one left-turn lane and two through lanes in the southeast-bound direction and two through lanes and one right-turn lane in the northwest-bound direction. Improve and restripe the Glen Helen Parkway approach at Lytle Creek Road to provide dual left-turn lanes and one right-turn lane. Install a traffic signal at this location
  - ♦ SR-210 Freeway Westbound On/Off Ramps & Riverside Avenue (Study Intersection No. 43). Flare and restripe Riverside Avenue to provide an exclusive right-turn lane in the Southbound direction. In addition, improve the

SR-210 off-ramp to provide one left-turn lane, left/through/ right shared lane, and one right-turn lane.

- ♦ SR-210 Freeway Eastbound On/Off Ramps & Riverside Avenue (Study Intersection No. 44). Improve Riverside Avenue to provide two through lanes and two right-turn lanes in the Northbound direction and dual left turn lanes and two through lanes in the Southbound direction.
- ♦ SR-210 Freeway Westbound On/Off Ramps & State Street (Study Intersection No. 47). Improve State Street to provide dual left-turn lanes and two through lanes in the Northbound direction and one through lane, one through/right shared lane, and one right-turn lane in the Southbound direction.
- ♦ SR-210 Freeway Eastbound On/Off Ramps & State Street (Study Intersection No. 48). Flare and restripe the Eastbound off-ramp to provide one left-turn lane, one left/through-share lane, and two right-turn lanes. Modify the traffic signal to accommodate a right-turn overlap phase for the off-ramp Eastbound approach and the Southbound approach on State Street.
- ♦ Highland Avenue & State Street (Study Intersection No. 49). Flare and restripe Highland Avenue to provide dual left-turn lanes, one through lane, and one through/right-shared lane in the Westbound direction and one left-turn lane, one through lane, one through/right-shared lane, and one right-turn lane in the Eastbound direction.
- ♦ Rialto Avenue & Cedar Avenue (Study Intersection No. 72). Flare and restripe Cedar Avenue to provide an exclusive right-turn lane in the Southbound direction.
- ♦ Merrill Avenue & Cedar Avenue (Study Intersection No. 74). Flare and restripe Cedar Avenue to provide an exclusive right-turn lane in the Northbound direction and Merrill Avenue to provide an exclusive right-turn lane in the Eastbound direction. Additional right-of-way may be required to implement this measure.

- In order to analyze the impact of the "Existing (2007) Conditions plus Project" scenario on the regional transportation system (i.e., the freeway network), the EVTM was used and analyzed in a "Sunnyvale" Analysis. As with the future conditions analysis in the TIA (Appendix II-A to the original DEIR), a total of 29 freeway segments near the Project Site were selected based on the probable routes that would be followed by Project traffic. These freeway segments included those segments most likely to be significantly impacted by the Project. The Project would cause a significant traffic impact if it would cause conditions on any freeway segment to degrade below LOS E, except for freeway segments designated LOS F in the CMP. Under a "Sunnyvale" Analysis, the "Existing (2007) Conditions plus Project" would not result in significant impacts to any of the 29 freeway segments.
- Under the "Future (2030) Conditions plus Project" analysis, the proposed Project would have a significant traffic impact at 8 freeway of those segments. In addition, without substantial capacity improvements, the congested conditions on the SR-210 and I-215 Freeways will worsen under both the "Future (2030) without Project" and "Future (2030) with Project" conditions. With regards to freeway improvements, a mitigation measure (Mitigation Measure 6-6) has been formulated which imposes an obligation upon the Applicant to make a "fair-share" contribution to the cost of those improvements. With the exception of the I-215

Freeway between Baseline Street and 5th Street in the northbound direction, recommended mitigation measures will reduce the LOS of all study area freeway segments to an acceptable level of service (i.e., LOS "E" or better). In order to further improve the LOS at this location, so as to reduce the cumulative traffic impact to LOS "E" or better, local jurisdictions would need to collectively implement trip reduction programs for all existing and cumulative developments. Alternatively, attempts could be made to increase the existing freeway ROW, through additional ROW acquisition, in order to increase the existing freeway capacity. While these measures could potentially improve the LOS along this freeway segment, the implementation of a regional or subregional transportation demand management (TDM) program and the expansion of existing freeway capacity through unplanned ROW acquisition are outside the ability of the Project to effectuate. Although a regional or subregional TDM program cannot feasibly be implemented at the Project level, consistent with the TDM provisions of the County CMP, the Project will, nonetheless, be required to incorporate and implement, to the extent feasible, those TDM measures promoting alternative transportation methods, carpooling and vanpooling, and the use of transit, bicycles, and walking.

- Transportation demand management measures include techniques to reduce the use of motor vehicles or shift their use to uncongested times of day. As defined in the County's "Non-Motorized Transportation Plan," TDM measures refer "to policies, programs, and actions that are directed toward increasing the use of high occupancy vehicles (transit, carpooling, and vanpooling) and the use of bicycling and walking with the express purpose of reducing or limiting vehicle cold starts and miles traveled for congestion and air quality purposes."
- Because TDMs have the potential to reduce vehicle miles traveled (VMT), implementation will produce both traffic-related and air quality benefits. A number of traffic control measures strategies (Mitigation Measure 7-11 and Mitigation Measure 7-13) and been formulated and their implementation will reduce the identified impact to the maximum extent feasible.

Mitigation Measure 6-5: Study Area Roadways. Based on a schedule established by the City, in consultation with the County, the Applicant shall undertake the following non-intersection improvements to study area roadways. These improvements could, however, be implemented by SanBAG, the City, the Applicant, and/or by others.

- ♦ Lytle Creek Road. Widen and restripe Lytle Creek Road from Glen Helen Parkway to Sierra Avenue to provide two through lanes in each direction.
- ♦ Glen Helen Parkway. Widen and restripe Glen Helen Parkway between Lytle Creek Road and Cajon Boulevard to provide two through lanes in each direction.
- ♦ Sierra Avenue. Improve Sierra Avenue to provide two through lanes in each direction between Riverside Avenue and just north of Glen Helen Parkway.
- ♦ Riverside Avenue. Widen and restripe Riverside Avenue between Sierra Avenue and Ayala Drive to provide two through lanes in each direction.

Mitigation Measure 6-6: Freeway Study Segments. Those CMP freeway improvements that are located in the study area are described below: (1) add a high-occupancy-vehicle (HOV) lane in the Northbound and Southbound directions on I-15 Freeway between the I-215 and the I-10 Freeways; (2) add a mainline lane in the

Northbound and Southbound directions on the I-215 Freeway between the I-15 and the SR-259 Freeway; (3) improve the I-215 Freeway between the SR-259 and the I-10 Freeways to provide four mainline and one HOV lane in the Northbound and Southbound directions; (4) improve the SR-210 Freeway between the I-15 Freeway and Highland Avenue to provide a total of three mainline lanes and one HOV lane in the Westbound and Eastbound directions; and (5) add a mainline lane on the SR-30 Freeway between Highland Avenue and the I-10 Freeway in the Westbound and Eastbound directions.

In addition to those freeway improvements, other physical improvements to address the cumulative impact of overall regional growth could include the addition of one freeway lane on the segments below: (1) I-215 Freeway between Highland Avenue and Massachusetts Avenue (Northbound and Southbound); (2) I-215 Freeway between Massachusetts Avenue and SR-259 Freeway (Northbound and Southbound); (3) I-215 Freeway between SR-259 Freeway and Baseline Street (Northbound only); (4) I-215 Freeway between Baseline Street and 5th Street (Northbound and Southbound); (5) I-215 Freeway between 2nd Street and Mill Street (Northbound and Southbound); (6) SR-210 Freeway between Riverside Avenue and Pepper Avenue (Eastbound only); (7) SR-210 Freeway between Pepper Avenue and State Street (Westbound and Eastbound); and (8) SR-210 Freeway between State Street and I-215 Freeway (Westbound and Eastbound). Based on an implementation schedule and in an amount to be established by the City, as developed in consultation with the County and Caltrans, the Applicant shall equitably contribute to the implementation of identified regional transportation system improvement by paying a "fair share" of the cost of those improvements. These measures are included as part of those transportation improvements being funded by the City's transportation development impact fees. The Project will be required to pay into this fund, less any in-lieu credit for measures which the Applicant implements.

Mitigation Measure 7-11: The specific plan shall include design and development standards and plans describing and delineating the location of all planned bicycle paths, routes, and trails and, excluding street-adjacent sidewalks, pedestrian pathways located within the Project boundaries. Bicycle and pedestrian facility plans shall illustrate the physical linkages between on-site residential, commercial, and publicly accessible recreational areas and show the connectivity between those on-site facilities and existing and proposed off-site facilities delineated on adopted City and County plans. Motorized and non-motorized travel routes shall be minimized to the maximum extent feasible.

Mitigation Measure 7-13: Without forfeiting other development opportunities that may exist thereupon, development plans for Neighborhoods III or IV shall be revised to incorporate a park-and-ride/park-and-pool facility in proximity to the intersection of Sierra Avenue and Riverside Avenue (in the vicinity of PAs 27 or 33) or in an alternative location and of a size acceptable to the Director. Park-and-ride/park-and-pool facilities can be accommodated as part of or independent from a commercial development thought the provision of on-site parking opportunities in exceed of the parking requirements otherwise imposed by that use, accommodated at the perimeter of a residential development through the incorporation of appropriate design elements, or accommodated in a non-conservation open space area where such use can be shown not be produce a deleterious biological resource impact.

5.6.4 **Transportation and Traffic Impact 6-4:** As a result of both ambient growth and other areawide development activities, the Project's operations could cumulatively exceed the LOS standard established by the County Congestion Management Agency for designed roads and highways.

Finding: The City Council hereby makes Finding (1).

Facts in Support of Finding: The following facts are presented in support of this finding:

- Project-related and cumulative transportation and traffic impacts are addressed in Section 4.6 (Transportation and Traffic), Appendix II-A (Traffic Impact Analysis), and Appendix IV-C (Traffic Study Update) in the original FEIR, and in Section 2.2 (Transportation/Traffic: "Sunnyvale" Analysis) and Appendix V-C (Addendum to the Traffic Impact Analysis) in the RPDEIR. That analysis is incorporated by reference herein.
- Through a search of the City's database, a large inventory of "related projects" were identified which included projects that are completed but not fully occupied, under construction or beginning construction, or are presently only proposed but which could become operational within the time frame examined in this study. The contribution of those related projects to future traffic volumes along the roadway network were analyzed in the Project's TIA included in the original FEIR. Based on the CMP threshold criteria, significant traffic impacts were projected at 20 study intersections under the "with project" condition. Significant impacts would occur at all 20 study intersections under the "without project" scenario due to non-project cumulative traffic impacts, except at the three study area intersections located at Riverside Avenue and Linden Avenue, SR-210 Freeway westbound ramps and Alder Avenue, and SR-210 Freeway, westbound ramps and Riverside Avenue.
- A number of mitigation measures have been formulated to mitigate traffic impacts attributable to both the Project-specific and the cumulative impacts attributable to ambient growth and areawide development. These mitigation measures include Project area and CMP intersection improvements required by Mitigation Measure 6-4(a) and 6-4(b) and Mitigation Measure 6-5, described above, and regional transportation system improvements set forth above in Mitigation Measure 6-6. Those measures identified therein are intended to accommodate the additional traffic generated by the Project as well as other cumulative area developments.
- These proposed improvements will reduce Project-related traffic impacts to less than significant levels and ensure that sufficient roadway capacity exists to accommodate all anticipated area growth.
- The implementation of the freeway improvements identified therein would reduce the LOS of all study freeway segments to an acceptable level (i.e., LOS "E" or better), except for the I-215 Freeway between Baseline and 5th Streets in the NB direction (Segment 15). This segment is currently operating at LOS "E" and is expected to operate at LOS "F" under both "without" and "with" project conditions. The cumulative traffic impact at this location is, nonetheless, considered less than significant in accordance with the County CMP.

5.7 Air Quality

5.7.1 Air Quality Impact 7-3: Construction activities will yield a maximum incremental increase in off-site individual cancer risk of about 4.2 in one million (4.2×10^{-6}) over the duration of construction. The maximum impact occurs at residential uses south of the Project site.

Finding: The City Council hereby makes Finding (1) and determines that this potential impact is less than significant by implementation of project design features and/or compliance with existing laws and regulations, and therefore no mitigation measures are required or recommended.

Facts in Support of Finding: The following facts are presented in support of this finding:

- Project-related and cumulative air quality impacts are addressed in Section 4.7 (Air Quality) (with the exception of the GHG Emissions and Climate Impacts Analysis, which has been superseded in the RPDEIR), in Appendix III-F (Air Quality Analysis) and Appendix IV-I (Air Quality Assessment Technical Report: Localized Operational Analysis) of the original FEIR, Section 2.1 (Revised GHG Emissions and Climate Impacts Analysis) and Appendix V-B (Revised Climate Change Technical Report) in the RPDEIR, and Appendix VI-C (ENVIRON Technical Memorandum) in the Final RPEIR. That analysis is incorporated by reference herein.
- The greatest potential for TAC emissions would be related to diesel PM emissions associated with heavy equipment operations during grading and excavation activities. According to SCAQMD methodology, health effects from carcinogenic air toxics are usually described in terms of "individual cancer risk," defined as the likelihood that a person exposed to concentrations of TACs over a 70-year lifetime outdoors will contract cancer, based on the use of standard risk-assessment methodology.
- An assessment of diesel PM emissions was conducted. The results of the construction analysis yielded a maximum incremental increase in off-site individual cancer risk of about 4.2 in one million ($\approx 4.2 \times 10^{-6}$) over the duration of construction, with the maximum impact occurring at the residential areas located to the south of the Project site. The Project will not emit carcinogenic or toxic air contaminants that individually or collectively exceed the maximum individual cancer risk of ten in one million ($<10 \times 10^{-6}$).
- Since none of the recommended threshold criteria would be exceeded, the identified impact would be less than significant and no mitigation measures are recommended or required.

5.7.2 Air Quality Impact 7-5: Increased traffic along Project area roadways has the potential to result in the creation of carbon monoxide (CO) "hot spots" at any intersections projected to operate at a LOS "D" or worse.

Finding: The City Council hereby makes Finding (1) and determines that this potential impact is less than significant by implementation of project design features and/or compliance with existing laws and regulations, and therefore no mitigation measures are required or recommended.

Facts in Support of Finding: The following facts are presented in support of this finding:

- Project-related and cumulative air quality impacts are addressed in Section 4.7 (Air Quality) (with the exception of the GHG Emissions and Climate Impacts Analysis, which has been superseded in the RPDEIR), in Appendix III-F (Air Quality Analysis) and Appendix IV-I (Air Quality Assessment Technical Report: Localized Operational Analysis) of the original FEIR, Section 2.1 (Revised GHG Emissions and Climate Impacts Analysis) and Appendix V-B (Revised Climate Change Technical Report) in the RPDEIR, and Appendix VI-C (ENVIRON Technical Memorandum) in the Final RPEIR. That analysis is incorporated by reference herein.
- CO is produced in the greatest quantities from vehicle combustion and is usually concentrated at or near ground level because it does not readily disperse into the atmosphere. Areas of vehicle congestion have the potential to create pockets of CO. These CO "hot spots" typically occur at intersections where vehicle speeds are reduced and idle time is increased. The SCAQMD recommends a "hot-spot" evaluation of potential localized CO impacts when: (1) volume/capacity (V/C) ratios are increased by two percent at intersections with a LOS "D" or worse; and/or (2) an intersection decreases in service level by one level, beginning when the level of service changes from an LOS "C" to LOS "D." Intersections were selected for analysis based on information provided in the traffic impact assessment.
- Local area CO concentrations were projected using the CALINE4 traffic pollutant dispersion model. The analysis of CO impacts followed the protocol recommended by Caltrans and is consistent with procedures identified through the SCAQMD's CO modeling protocol.
- The Project would not have a significant impact upon 1-hour or 8-hour local CO concentrations due to mobile source emissions. Because significant impacts would not occur at the intersections with the highest traffic volumes that are located adjacent to sensitive receptors, no significant impacts are anticipated to occur at any other locations in the study area as the conditions yielding CO hot-spots would not be worse than those occurring at the analyzed intersections. Consequently, on-site and off-site sensitive receptors would not be significantly affected by CO emissions generated by the net increase in traffic that would occur as a result of the Project.
- Since none of the recommended threshold criteria would be exceeded, the identified impact would be less than significant and no mitigation measures are recommended or required.

5.7.3 **Air Quality Impact 7-6**: The introduction of new retail commercial and other non-residential land uses in close proximity to existing and proposed residential areas could place odor-generating uses near odor-sensitive uses. Additionally, since new development will occur adjacent to existing land uses, new on-site receptors could be impacted by any off-site odors generated by those uses.

Finding: The City Council hereby makes Finding (1) and determines that this potential impact is less than significant by implementation of project design features and/or compliance with existing laws and regulations, and therefore no mitigation measures are required or recommended.

Facts in Support of Finding: The following facts are presented in support of this finding:

- Project-related and cumulative air quality impacts are addressed in Section 4.7 (Air Quality) (with the exception of the GHG Emissions and Climate Impacts Analysis, which has been superseded in the RPDEIR), in Appendix III-F (Air Quality Analysis) and Appendix IV-I (Air Quality Assessment Technical Report: Localized Operational Analysis) of the original FEIR, Section 2.1 (Revised GHG Emissions and Climate Impacts Analysis) and Appendix V-B (Revised Climate Change Technical Report) in the RPDEIR, and Appendix VI-C (ENVIRON Technical Memorandum) in the Final RPEIR. That analysis is incorporated by reference herein.
- The Project's proposed residential and non-residential development will create opportunities for commercial and residential uses to co-exist. As such, odor-generating land uses, such as restaurants and coffee shops, may be located in close proximity to odor-sensitive land uses. Trash receptacles, as well as the parking and loading areas associated with those uses, present other potential sources of odors.
- The LCRSP includes provisions for a "Precise Plan of Design (Design Review)" which is designed "to promote an orderly and aesthetically pleasing environment within the City of Rialto and to ensure that development complies with all City ordinances and regulations." Through that process, issues of odor-intrusion and the selection of appropriate design techniques will be addressed on a site-specific basis rather than a general prohibition with regards to specific land uses that may be odor generators. Implementation of the proposed design-review process will help to ensure that potential odor nuisance impacts are reduced to the maximum extent feasible.
- Since none of the recommended threshold criteria would be exceeded, the identified impact would be less than significant and no mitigation are recommended or required.

5.7.4 **Air Quality Impact 7-11:** The Project will result in 256,432 tonnes of CO2e from onetime sources (i.e., vegetation and construction activities) or 6,411 tonnes of CO2e annualized over the 40-year development life of the Project . Annual greenhouse gas (GHG) emissions of 98,059 tonnes of CO2e are expected to occur after build-out. The combined total of annual and annualized emissions from the Project would be approximately 104,470 tonnes per year. The BAU scenario results in 155,338 tonnes per year. The overall reduction in GHG emissions for the Project relative to BAU is 32.7 percent.

Finding: The City Council hereby makes Finding (1) and determines that this potential impact is less than significant by implementation of project design features and/or compliance with existing laws and regulations, and therefore no mitigation measures are required or recommended.

Facts in Support of Finding: The following facts are presented in support of this finding:

- Project-related and cumulative air quality impacts are addressed in Section 4.7 (Air Quality), in Appendix III-F (Air Quality Analysis), and Appendix IV-I (Air Quality Assessment Technical Report: Localized Operational Analysis) of the original FEIR, Section 2.1 (Revised GHG Emissions and Climate Impacts

Analysis) and Appendix V-B (Revised Climate Change Technical Report) in the RPDEIR, and Responses to Comments and Appendix VI-C (ENVIRON Technical Memorandum) in the Final RPEIR. That analysis is incorporated by reference herein.

- Greenhouse gases (GHGs) include those gases that contribute to the natural greenhouse effect (such as carbon dioxide [CO_2], methane [CH_4], nitrous oxide [N_2O)], and water), as well as gases that are only man-made and that are emitted through the use of modern industrial products (such as hydrofluorocarbons [HFCs], perfluorocarbons [PFCs], and sulfur hexafluoride [SF_6]). The most important GHG in human-induced global warming is CO_2. While many gases have much higher global warming potential (GWP) than carbon monoxide, CO_2 is emitted in such vastly higher quantities that it accounts for about 85 percent of the GWP of all GHG emissions emitted by the United States.
- The City, as Lead Agency, has discretion to determine the significance threshold to evaluate GHG-related impacts. Pending the establishment of thresholds of significance for GHG emissions, the Lead Agency has elected to evaluate significance on a case-by-case basis. Assessing the significance of a single Project's contribution to cumulative global climate change is properly assessed on a cumulative basis. Assessment of the significance of a project's contribution to cumulative global climate change involves determining an inventory of the Project's GHG emissions against existing baseline conditions, and considering the Project's consistency with applicable emission reduction strategies and goals, such as those set forth by the California Global Warming Solutions Act of 2006 (AB 32). AB 32 mandates include a return to 1990 levels of GHG emissions by 2020.
- The California Air Resources Board's (CARB) "Climate Change Scoping Plan" quantified the Statewide 1990 GHG emission total to be 427 million metric tones (MMT) of CO2e and forecast that the 2020 level would be 596 MMTCO2e if the State continued to conduct "business-as-usual" (BAU) under the federal and State laws in effect as of the adoption of CARB's Scoping Plan. Achievement of AB 32 goals will thus require a reduction of 28.5 percent from forecasted BAU conditions.
- A project will be judged to have a significant or potentially significant impact on GHG emissions and global climate change if the project or project-related activities will impede the State's ability to achieve the reduction to 1990 levels in GHG emissions required by AB 32. An impediment to achievement of the GHG reduction goals of AB 32 would occur if Project-wide emissions do not achieve a 28.5 percent reduction of GHG emissions over 2020 forecasted BAU conditions. As confirmed by the Court Ruling, this significance threshold of a 28.5 percent reduction compared to BAU is proper.
- The physical environmental conditions evident at the time of publication of the "Notice of Preparation" (NOP) were used as the environmental baseline for the calculation of GHG emissions. At the time the of the NOP, the Project Site was undeveloped except for a golf course and one industrial source of emissions. The RPDEIR conservatively assumes that emissions from these sources were zero when the NOP was published.
- Two GHG inventories were developed in the Complete FEIR to assess the potential GHG and global climate change impacts of the Project compared to the environmental baseline: (1) an inventory of emissions resulting from the Project;

and (2) an inventory of Project emissions under a BAU scenario. The GHG emissions inventories consider the following categories of GHG emissions:

- Emissions due to land use (vegetation) changes
- Emissions from construction activities (including demolition, site grading, and building construction)
- Residential building operations emissions
- Non-residential building operations emissions
- Mobile source operations emissions
- Municipal operations emissions
- Area sources (fireplaces and lawn maintenance) emissions

- GHG emissions from residential buildings, non-residential buildings, mobile sources, municipal operation, and area sources will be emitted every year that the Project is inhabited. The GHG emissions inventories include estimates of annual GHG emissions from these ongoing operations. Emissions from land use/vegetation changes and construction are one-time events that will not be part of the Project's ongoing activity. The GHG emissions inventories divide these one-time emissions by the estimated 40-year lifetime of the Project to annualize the GHG emissions to allow direct comparison of these two classes of emissions.
- Numerous "sustainable design features" are included in the Project. The Applicant will preserve a minimum of 829.2 acres and up to a total of 908.0 acres of land as natural (undisturbed) open space and has committed to planting up to 30,000 new trees. As designed, the Project's homes and businesses will exceed 2008 Energy-Efficiency Standards by at least 15 percent. Vehicular emissions of CO_2e from the Project would be reduced by 43 percent over BAU through features of the Project design that reduce vehicle miles traveled. The Project will make good faith efforts to include sustainable design at a LEED-certifiable level for commercial and industrial uses and green building standards for residential construction.
- The BAU scenario consists of projected GHG emissions for the Project that would occur if the Project were to be built without the Project design features and energy reduction commitments made by the Applicant that reduce GHG emissions and without regulations that have been promulgated to comply with AB 32. Estimated GHG emissions generated by construction, municipal operations, and area sources are the same for the BAU inventory as for the Project inventory.
- The Project at build-out is expected to produce 98,059 tonnes of CO_2e per year. The Project will result in 256,432 tonnes of CO_2e from one-time sources, or 6,411 tonnes of CO_2e annualized over the 40 year development life of the Project. Combined annual and annualized one-time emissions of the Project would be approximately 104,470 tonnes per year.
- The BAU scenario is expected to produce 148,090 tonnes of CO_2e per year. BAU will result in 289,940 tonnes of CO_2e from one-time sources, or 7,248 tonnes of CO_2e annualized over a 40 year development life. Combined annual and annualized one-time emissions of BAU would be approximately 155,388 tonnes per year.
- Overall reduction in GHG emissions for the Project relative to BAU is 32.7 percent (projected 104,470 tonnes of CO_2e emitted by the Project per year is 32.7 less than projected annual BAU emissions of 155,388 tonnes of CO_2e). As a result of the various design elements incorporated into the Project, the LCRSP

meets and exceeds the 28.5 percent improvement over BAU necessary to achieve AB 32's mandates.

- In addition, as part of a recent update to the Climate Change Scoping Plan, CARB also updated the State's BAU greenhouse gas inventory projected for 2020. When the "reduction measures already in place" (i.e., Pavley I and the 20% Renewables Portfolio Standard) are removed, which would ensure consistency with the Final RPEIR's climate change analysis, the BAU forecast for 2020 decreases to 545 MMTCO2E due to the economic downturn alone.
- Considering the updated projection of 2020 emissions of 545 MMTCO2E by 2020, a 21.7 percent reduction below the estimated BAU levels would be necessary to return to 1990 levels (i.e., 427 MMTCO2E) by 2020: 545-427 = 118; 118/545 = 21.65%; rounded up conservatively to 21.7%. Accordingly, if the Final RPEIR were to have gone beyond what the Court Ruling required and "recalculated and reanalyzed" the Project's impact on greenhouse gas emissions and global climate change, the Project would only have needed to demonstrate a 21.7% reduction from BAU to be deemed to have a less than significant impact.
- In response to comments on the RPDEIR, ENVIRON, the City's climate change expert for the Project, calculated the Project and BAU inventories using the California Emissions Estimator Model (CalEEMod), which was released after the original DEIR's GHG inventories were prepared. CalEEMod is a statewide land use emissions computer model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify potential criteria pollutant and GHG emissions associated with both construction and operations from a variety of land use projects. CalEEMod was developed in collaboration with the air districts of California. Default data (e.g., emission factors, trip lengths, meteorology, source inventory, etc.) have been provided by the various California air districts to account for local requirements and conditions. The model is considered by the South Coast Air Quality Management District (SCAQMD) to be an accurate and comprehensive tool for quantifying air quality and GHG impacts from land use projects throughout California. ENVIRON's CalEEMod analysis indicates that the Project reduces GHG emissions 37% below BAU, which is far greater than the 21.7% required for compliance with AB 32. (See Appendix VI-C to the Final RPEIR.) As such, if the Project's impact on GHG emissions and global climate change were to be "recalculated and reanalyzed," the impact would be considered less than significant.
- Ultimately, since the recommended threshold of significance would not be exceeded, the identified impact of the LCRSP on GHG emissions and global climate change is considered less than significant and no mitigation measures are recommended or required.

5.8 Noise

5.8.1 **Noise Impact 8-1**: Although all construction activities will fully comply with the City's Noise Ordinance, those activities (especially the use of heavy equipment) will result in short-term noise increases at individual construction sites and may be perceptible to near-site receptors.

Finding: The City Council hereby makes Finding (1) and determines that this potential impact is less than significant by implementation of project design features and/or

compliance with existing laws and regulations, and therefore no mitigation measures are required or recommended.

Facts in Support of Finding: The following facts are presented in support of this finding:

- Project-related and cumulative noise impacts are addressed in Section 4.8 (Noise) and in Appendix III-H (Acoustical Analysis) in the original FEIR and that analysis is incorporated by reference herein.
- Individual pieces of construction equipment used for Project construction produce maximum noise levels of 76 dBA to 90 dBA at a reference distance of 50 feet from the source. These maximum noise levels would occur when equipment is operating under "full-power" conditions or during "impact" activities. Equipment used on construction sites often operates under less than "full-power" condition. Actual measurements performed while equipment is performing work indicate that shift-long equivalent L_{eq} sound levels are typically 2 dBA to 15 dBA less than the referenced maximum noise levels.
- The construction phases include infrastructure, building construction, finish grading, and site cleanup. Primary noise sources include backhoes, loaders, hammering, diesel generators, compressors, forklifts, cranes, concrete mixers, and light truck traffic. Noise levels associated with these sources are temporary but would typically range from 78 to 89 dBA at a distance of 50 feet. Any location with an uninterrupted line-of-sight to the construction noise sources could periodically be exposed to temporary noise levels that would exceed 75 dBA at distance of less than 150 feet from the noise source.
- Because construction activities would be confined to daytime hours, compliance with the City's Noise Ordinance would result in a less-than-significant impact. In accordance therewith, construction activities shall be restricted to the following hours: (1) October 1 through April 30 – 7:00 AM and 5:30 PM on weekdays and 8:00 AM to 5:00 PM on Saturdays; and (2) May 1 through September 30 – 7:00 AM and 6:00 PM on weekdays and 8:00 AM to 5:00 PM on Saturdays. City code enforcement officers and peace officer are both authorized to respond to construction noise complaints.
- Since none of the recommended threshold criteria would be exceeded, the identified impact would be less than significant and no mitigation measures are recommended or required.

5.8.2 **Noise Impact 8-3**: At Project build-out, traffic internal to the Project site could expose proximal receptors to noise levels in excess of City residential standards.

Finding: The City Council hereby makes Finding (1).

Facts in Support of Finding: The following facts are presented in support of this finding:

- Project-related and cumulative noise impacts are addressed in Section 4.8 (Noise) and in Appendix III-H (Acoustical Analysis) in the original FEIR and that analysis is incorporated by reference herein.
- Future Project residents would generate and would be exposed to typical urban on-site noise sources, including people, air conditioning units, lawn care equipment, domestic animals. These noise sources contribute to the ambient noise levels experienced in all similarly-developed areas and typically do not

exceed the noise standards for the types of land uses proposed on the LCRSP site. These noise sources are consistent with adjacent uses in the Project vicinity and proximal off-site receptors would experience Project-related noise levels consistent with noise levels generated by those existing residences. Residential-related on-site noise impacts would, therefore, be less than significant.

- Public schools and parks are commonly located near residential areas and, in many cases, compatibility problems do not surface. Public schools and parks are often designed to incorporate features that make them compatible with adjoining land uses such that noise levels do not exceed the standards set forth in the City's Noise Ordinance. These design features can include, but are not necessarily limited to, constructing classroom buildings such that they serve as a buffer between athletic fields and adjoining residences, locating student pick-up and drop-off areas as far away from residences as feasible, and constructing noise barriers. As site-specific designs for public school and park uses are not available and the adjacencies of noise sensitive uses are not known, it is concluded that school and park uses could generate noise levels in excess of City standards for residential uses if proper design consideration and features are not put in place.
- Mitigation Measure 8-2 and Mitigation Measure 8-4 have been formulated to address these issues, ensure that the interior noise environments of residential, schools, and commercial office structures comply with applicable interior noise insulation requirements, and require that the planning and the design of on-site schools and parks strive to minimize noise impacts upon adjacent residential areas. The DEIR had also recommended a Mitigation Measure 8-3 which pertained to noise impacts resulting from implementation of the Village Center Overlay and General Warehouse Overlay; however, subsequent to circulation of the DEIR, the Applicant revised the LCRSP to remove these two Overlays from the LCRSP, and therefore, Mitigation Measure 8-3 is no longer required.

  Mitigation Measure 8-2: The interior noise environment of residential structures (habitable rooms) and school classrooms shall not exceed 45 dBA CNEL. Prior to the issuance of building permits for those uses, an acoustical analysis shall be prepared by a qualified consultant and submitted to, and when deemed acceptable, accepted by the City Engineer for all new residential and school developments where exterior areas are projected to be 65 dBA CNEL or higher at the Project's build-out, documenting that an acceptable interior noise level of 45 dB L_{dn} (or CNEL) or below will be achieved with the windows and doors closed and identifying any design or development measures that would be required to achieve that standard.

  Mitigation Measure 8-4: To the extent feasible, schools and parks shall be designed to: (1) locate and orient vehicle access points, including pick-up and drop-off areas, away from noise sensitive uses; (2) locate loading and shipping facilities away from adjacent noise sensitive uses; (3) minimize the use of outdoor speakers and amplifiers oriented toward adjacent sensitive receptors; and (4) incorporate fences, walls, landscaping, and other noise buffers and barriers between the proposed use and other abutting noise sensitive uses.

- With the implementation of the mitigation measures set forth above, associated operational noise impacts would be reduced to a less-than-significant level.

5.8.3 **Noise Impact 8-4**: Residential and non-residential development would be exposed to noise levels that range from 65.2 dBA CNEL (at 25 feet distance) along Live Oak Avenue (new internal roadway) to 83.5 dBA CNEL along the I-15 Freeway, exceeding the City's exterior noise standard of 65 dBA CNEL for noise sensitive land uses.

Finding: The City Council hereby makes Finding (1).

Facts in Support of Finding: The following facts are presented in support of this finding:

- Project-related and cumulative noise impacts are addressed in Section 4.8 (Noise) and in Appendix III-H (Acoustical Analysis) in the original FEIR and that analysis is incorporated by reference herein.
- The existing and future traffic both surrounding and located within the Project site would affect proximal sensitive receptors. The Project site would be exposed to noise levels that range from 65.2 dBA CNEL (at 25 feet distance) along Live Oak Avenue (new internal roadway) to 83.5 dBA CNEL along the I-15 Freeway, exceeding the City's exterior noise standard of 65 dBA CNEL for noise sensitive land uses. Less noise sensitive uses would be compatible up to 75 dBA CNEL and 80 dBA CNEL.
- With regards to traffic noise, Mitigation Measure 8-1 and Mitigation Measure 8-5 have been formulated requiring that noise barriers be constructed along the residential lots adjacent to the I-15 Freeway, Lytle Creek Road, Glen Helen Parkway, Sierra Avenue and Riverside Avenue and recommending that the upper levels of residential lots adjacent to I-15 Freeway be constructed with no balconies facing the freeway or that such balconies include noise barriers. Except where otherwise noted, implementation of those measures will ensure that exterior noise levels will be reduced to meet the City's applicable noise standards.
- New residential constructions, typically includes the use of stucco walls, double-pane windows, solid entrance doors with seals. Assuming that the windows are closed and air ventilation is provided, those measures provide a minimum 20 dBA exterior/interior noise reduction. Where the exterior noise levels exceed 65 dBA CNEL, specially manufactured sound-rated windows and/or doors can be used to achieve the interior noise levels.
- With regards to the interior noise environment, Mitigation Measure 8-2 contains recommendations for reducing noise impacts to a less-than-significant level.

  Mitigation Measure 8-1: Noise barrier shall be constructed along any residential lots and school sites adjacent to the I-15 Freeway, Lytle Creek Road, Glen Helen Parkway, Sierra Avenue, and Riverside Avenue. Depending on the final lot grade elevations relative to the roadway elevations, noise barrier height of ranging between 5-8 feet would reduce the traffic noise to 65 dBA CNEL at outdoor noise sensitive uses, including residential backyards and courtyards and school playgrounds. A higher noise barrier will likely be required to mitigate I-15 Freeway noise. Overall height of noise barrier can be achieved by solid walls, earthen berms or combination of walls and earthen berms. Final noise barrier height shall be assessed when the final site and grading plans are completed. Prior to the issuance of grading permits for development projects located along I-15 Freeway, Lytle Creek Road, Glen Helen Parkway, Sierra Avenue, and

Riverside Avenue, an acoustical analysis shall be prepared by a qualified acoustical consultant and submitted to, and when deemed acceptable, accepted by the City Engineer. The report shall determine the need for any noise barriers or other mitigation strategies and, if required, identify noise barrier heights, locations, and configurations capable of achieving compliance with applicable City standards.

Mitigation Measure 8-2: The interior noise environment of residential structures (habitable rooms) and school classrooms shall not exceed 45 dBA CNEL. Prior to the issuance of building permits for those uses, an acoustical analysis shall be prepared by a qualified consultant and submitted to, and when deemed acceptable, accepted by the City Engineer for all new residential and school developments where exterior areas are projected to be 65 dBA CNEL or higher at the Project's build-out, documenting that an acceptable interior noise level of 45 dB L_{dn} (or CNEL) or below will be achieved with the windows and doors closed and identifying any design or development measures that would be required to achieve that standard.

Mitigation Measure 8-5: Since the upper levels of residential units located adjacent to I-15 Freeway could be exposed to noise levels in excess of City standard, design plans for residential projects adjacent to the I-15 Freeway shall either exclude balconies facing the I-15 Freeway or incorporate noise barriers in the design of those balconies, such as transparent plexiglass, which would reduce freeway noise at those balconies to 65 dBA CNEL.

- With the implementation of those measures, associated operational noise impacts would be reduced to a less-than-significant level.

5.8.4 **Noise Impact 8-5**: Existing sand and gravel mining operations in the vicinity of Neighborhoods II and III will continue in accordance with the terms and conditions of an existing surface mining permit. Those operations have the potential to generate operational noise levels adversely affecting proximal sensitive receptors.

Finding: The City Council hereby makes Finding (1) and determines that this potential impact is less than significant by implementation of project design features and/or compliance with existing laws and regulations, and therefore no mitigation measures are required or recommended.

Facts in Support of Finding: The following facts are presented in support of this finding:

- Project-related and cumulative noise impacts are addressed in Section 4.8 (Noise) and in Appendix III-H (Acoustical Analysis) in the original FEIR and that analysis is incorporated by reference herein.
- Ongoing sand and gravel extraction activities may be audible at the nearest residential receptors when the activity is loud and there is minimal grade separation between the two activities.
- The Cemex USA Lytle Creek Plant is located in an unincorporated County area not identified by the Applicant for annexation as part of the Project. The measured CNEL at noise measurement locations near the existing quarry (i.e.,

Noise Measurement Locations R2 and R3) were below the County's standards for residential development (i.e., less than 60 dBA CNEL).

- The most stringent County noise standard is 55 dB (L_{50} level) during daytime and 45 dB at night. A reference L_{50} noise level of 85 dB can occur at 50 feet from a quarry if the jaw crusher operates continuously for one hour. The L_{50} level for Noise Measurement Locations SR-1 and SR-2 were 43.8 and 46.6 dB, respectively. Noise Measurement Location SR-1 would meet the daytime standard at a distance of 375 feet or greater and Noise Measurement Location SR-2 would meet the daytime standard at a distance of 490 feet or greater. Nighttime standards are exceeded at Locations SR-1 and SR-2, except at SR-1 at a distance of 1,500 feet.
- Unless otherwise exempted under the County Development Code or subject to use-specific permit authorization, for uses operating in County unincorporated areas, all land uses must fully comply with the County Noise Ordinance. Failures to comply could subject the violating party to specific penalties, including the possible cessation of operations pending the initiation of corrective actions to bring the offending activity into compliance. As such, subject to any provisions or exemptions contained in its SMARA permit, Cemex USA is required to operate in conformity with County standards.
- Jurisdictionally, compliance with the County Noise Ordinance and the City Noise Ordinance are mandatory within the jurisdiction within which those noise ordinances apply. With the mining operation's adherence to County standards and coordination between the City and the County in monitoring quarry noise and enforcement, quarry operational noise impacts will be less than significant.
- Since none of the recommended threshold criteria would be exceeded, the identified impact would be less than significant and no mitigation measures are recommended or required.

5.9 Public Services and Recreation

5.9.1 Public Services and Recreation Impact 9-1: Police Protection. During construction, heavy equipment, construction materials, and other items of value will be brought to the Project site. As buildings are erected, prior to site occupancy, structures may remain unsecured and susceptible to unauthorized entry. The presence of an unsecured site and items of value could result in incidents of theft and vandalism that could increase demands upon the Rialto Police Department and other law enforcement agencies.

Finding: The City Council hereby makes Finding (1) and determines that this potential impact is less than significant by implementation of project design features and/or compliance with existing laws and regulations, and therefore no mitigation measures are required or recommended.

Facts in Support of Finding: The following facts are presented in support of this finding:

- Project-related and cumulative public services and facilities impacts are addressed in Section 4.9 (Public Services and Recreation) and in Appendix III-I (Fire Agency Emergency Response Study) in the original FEIR and that analysis is incorporated by reference herein.
- Annexation of the Project site will increase the service patrol area of the Rialto Police Department (RPD) and require the provision of police services into an

area presently served by the San Bernardino County Sheriff's Department (SBCSD). With the exception of Monier Lifetile, the Project site is now generally vacant. Since no public uses are presently authorized thereupon, the property presently places only minimal demand upon existing police protection services. An increased demand for police service will, however, occur during the Project's extended construction phase. Such services include consultation during plan check, routine surveillance of construction sites by regular patrol units, potential criminal investigations resulting from the theft or vandalism of construction equipment and materials, and enforcement of local speed limits and haul vehicle coverage requirements. Provision of such services would not require construction of any new RPD or CHP facilities or necessitate the physical alteration of any existing facilities.

- To ensure that police protection considerations are incorporated in Project-level plans, prior to the issuance of building permits for new major development projects, the RPD is routinely provided the opportunity to review and comment upon building plans in order to facilitate opportunities for improved emergency access and response, ensure the consideration of design strategies that facilitate public safety and police surveillance, and offer specific design recommendations to enhance public safety and reduce potential demands upon police protection services.
- Since none of the recommended threshold criteria would be exceeded, the identified impact would be less than significant and no mitigation measures or other CEQA-oriented conditions of approval are recommended or required.

5.9.2 Public Services and Recreation Impact 9-2: Fire Protection. Project implementation will result in the introduction of equipment, materials, and manpower into a designated fire hazard area prior to the provision of water system improvements designated to respond to on-site and near-site fire hazards (Public Services and Recreation Impact 9-2).

Finding: The City Council hereby makes Finding (1) and determines that this potential impact is less than significant by implementation of project design features and/or compliance with existing laws and regulations, and therefore no mitigation measures are required or recommended.

Facts in Support of Finding: The following facts are presented in support of this finding:

- Project-related and cumulative public services and facilities impacts are addressed in Section 4.9 (Public Services and Recreation) and in Appendix III-I (Fire Agency Emergency Response Study) in the original FEIR and that analysis is incorporated by reference herein.
- Grubbing, grading, and construction activities would introduce a number of elements and activities that represent potential fire hazards and that could increase the likelihood of wildland fires affecting on-site and other near-site areas.
- During certain stages of Project development, fire suppression infrastructure (e.g., fire mains and hydrants) and RFD and SBCFD emergency response capabilities will remain at pre-Project levels during the initial construction period. During that time period, available water resources could be limited to those that are brought to the Project site by the Applicant, brought to the Project site by

RFD and/or SBCFD, or obtained from off-site fire hydrants.

- The Project site or portions thereof contain California Department of Forestry and Fire Prevention (CALFIRE) designed “wildland areas that may contain substantial forest fire risks and hazards” and “high fire hazard zones.” Those properties are subject to the maintenance requirements contained in Section 4291 of the PRC.
- Pending the development of a new fire station within the LCNPD, neither RFP nor SBCFD response times to the totality of the Project site fully conforms to the recommended National Fire Protection Association (NFPA) 1710 (Standards for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments) response time standards.
- Certain State and federal workplace safety standards apply to construction activities. As required, in part, by the United States Department of Labor Occupational Safety and Health Administration’s (OSHA) "Safety and Health Regulations for Construction" (29 CFR 1926.150[a]), the employer is responsible for the development of a fire protection program to be followed throughout all phases of the construction and demolition work and shall provide for the firefighting equipment as specified in that subpart. As further specified therein, a temporary or permanent water supply, of sufficient volume, duration, and pressure, required to properly operate the firefighting equipment shall be made available as soon as combustible materials accumulate on the Project site. Where underground water mains are to be provided, those water mains shall be installed, completed, and made available for use as soon as practicable (29 CFR 150[b]). Internal combustion engine powered equipment shall be so located so that the exhausts are well away from combustible materials. Smoking is prohibited at or in the vicinity of operations that constitute a fire hazard and prohibitions shall be conspicuously posted (29 CFR 1926.151[a]).
- The California Department of Industrial Relations, Division of Industrial Safety (Cal/OSHA) has established specific workplace standards for fire safety similar to those imposed by OSHA. As required (Title 8, Article 36, Section 1920, CCR), each employer shall be responsible for the development of a fire protection program to be followed throughout all phases of the construction work and shall provide for the fire fighting equipment as specified in under Article 36 in Title 8. As fire hazards occur, there shall be no delay in providing the necessary fire protection and/or prevention equipment.
- Individual development projects must fully comply with all applicable provisions of the Uniform Building Code, Uniform Fire Code, and other applicable provisions of the City Municipal Code and/or the County Development Code which have been established to address fire protection and public safety.
- Since none of the recommended threshold criteria would be exceeded, the identified impact would be less than significant and no mitigation measures or other CEQA-oriented conditions of approval are recommended or required.

5.9.3 Public Services and Recreation Impact 9-3: Public Schools. Based on the proposed dedication of a number of on-site school sites, Project-specific construction activities could occur in close proximity to an existing school facility and prove to be disruptive to school activities and operations.

Finding: The City Council hereby makes Finding (1).

Facts in Support of Finding: The following facts are presented in support of this finding:

- Project-related and cumulative public services and facilities impacts are addressed in Section 4.9 (Public Services and Recreation) and in Appendix III-I (Fire Agency Emergency Response Study) in the original FEIR and that analysis is incorporated by reference herein.
- One or more RUSD schools may be constructed within the LCRSP boundaries in the future. Those schools may become operational prior to or concurrent with the development of adjoining planning areas. Development activities occurring in close proximity to an existing school site could prove disruptive to educational endeavors and related pursuits, introduce public safety hazards associated with construction vehicles operating in close proximity to areas where children may be present, and result in closure of travel lanes and sidewalks near school zones. In addition, construction activities, including equipment staging and material stockpiling, may present an attractive nuisance, defined as any condition which is unsafe or unprotected and, thereby, dangerous to children and which may reasonably be expected to attract children to the property and to the risk of injury by playing with, in, or on it.
- Owners of property (including construction sites) have an existing obligation to exercise reasonable care with respect to those properties and the activities conducted thereupon and require persons to maintain land in their possession and control in a reasonably safe condition.
- Mitigation Measure 6-2 and Mitigation Measure 6-3, which have been previously identified and are repeated below, would also serve to address construction safety. As specified, prior to the issuance of the final grading plan, the Applicant would be required to submit and, when deemed acceptable, the City Engineer would approve a traffic control plan (TCP) and a construction traffic mitigation plan (CTMP).
- Although construction activities conducted near school sites and other locations where children may be present can constitute an attractive nuisance, existing requirements, regulations, and other provisions are already in place which provide reasonable assurance that any nuisance conditions created during construction would be avoided or substantively minimized.
- Since none of the recommended threshold criteria would be exceeded, the identified impact would be less than significant and no additional mitigation measures or other CEQA-oriented conditions of approval are recommended or required.

Mitigation Measure 6-2: Traffic Control Plan. Prior to the issuance of the final grading plan for new major development projects, defined herein as 50 or more new dwelling units and/or 50,000 or greater square feet of new non-residential use, the Applicant shall submit and, when deemed acceptable, the City Engineer shall approve a traffic control plan (TCP), consistent with Caltrans' "Manual of Traffic Controls for Construction and Maintenance Work Zones," or such alternative as may be deemed acceptable by the City Engineer, describing the Applicant's efforts to maintain vehicular and non-vehicular access throughout the construction period.

If temporary access restrictions are proposed or deemed to be required by the Applicant, the plan shall delineate the period and likely frequency of such restrictions

and describe emergency access and safety measures that will be implemented during those closures and/or restrictions

Mitigation Measure 6-3: Construction Traffic Safety Plan. Prior to the issuance of the final grading permit for new major development projects, the Applicant shall submit and, when deemed acceptable, the City shall approve a construction traffic mitigation plan (CTMP). The CTMP shall identify the travel and haul routes through residential neighborhoods, if any, to be used by construction vehicles; the points of ingress and egress of construction vehicles; temporary street or lane closures, temporary signage, and temporary striping; the location of materials and equipment staging areas; maintenance plans to remove spilled debris from neighborhood road surfaces; and the hours during which large construction equipment may be brought onto and off the Project site. The CTMP shall provide for the scheduling of construction and maintenance-related traffic so that it does not unduly create any safety hazards to children, to pedestrians, and to other parties.

5.9.4 Public Services and Recreation Impact 9-4: Public Recreational Facilities. Construction activities will occur adjacent to existing recreational areas, including Glen Helen Regional Park and the San Bernardino National Forest, and, during construction, could impede access to or temporarily detract from the enjoyment of those areas and facilities.

Finding: The City Council hereby makes Finding (1).

Facts in Support of Finding: The following facts are presented in support of this finding:

- Project-related and cumulative public services and facilities impacts are addressed in Section 4.9 (Public Services and Recreation) and in Appendix III-I (Fire Agency Emergency Response Study) in the original FEIR and that analysis is incorporated by reference herein.
- Construction activities conducted adjacent to NFS lands and/or public parks could potentially impede access to trails and other facilities and produce noise, air emissions, and other short-term impacts that could temporarily diminish recreational experiences now available on those public lands. Although no local or neighborhood parks presently abut the Project site, future construction activities may occur adjacent to or in close proximity to new neighborhood parks and other accessible open space areas. Park areas may contain pedestrians and bicyclists, inattentive children unaware of the presence of construction equipment and vehicles traveling along local access roads and/or operating adjacent to park areas. In order to further enhance public safety, mitigation measures have been previously formulated requiring the development of construction traffic mitigation plans (Mitigation Measure 6-2) and traffic control plans (Mitigation Measure 6-3).
- Construction activities undertaken directly adjacent to the National Forest or other open space areas could increase the risk of wildlife fires. Cal/OSHA requires employers to prepare a “fire safety plan” (General Industry Safety Order 3221) addressing the safe storage, handling, and disposal of hazardous materials, the identification of known fire hazards, potential ignition sources, fire

alarm systems, inspection protocols designed to identify fire risks, and employee safety training information.

- Since none of the recommended threshold criteria would be exceeded, the identified impact would be less than significant and no additional mitigation measures or other CEQA-oriented conditions of approval are recommended or required.

5.9.5 Public Services and Recreation Impact 9-5: Police Protection. Based on the Rialto Police Department's (RPD) existing staffing ratios, at full Project build-out, the projected population of approximately 32,720 persons would generate an additional staffing demand for about 39.6 sworn offices and 17.2 full-time and 5.2 part-time civilian employees. Additional unquantified demands upon the RPD would also result from the operation of commercial and other non-residential uses and the congregation of people in public places. Those RPD employees would have corresponding equipment and spatial requirements that would not likely be met with existing RPD resources.

Finding: The City Council hereby makes Finding (1).

Facts in Support of Finding: The following facts are presented in support of this finding:

- Project-related and cumulative public services and facilities impacts are addressed in Section 4.9 (Public Services and Recreation) and in Appendix III-I (Fire Agency Emergency Response Study) in the original FEIR and that analysis is incorporated by reference herein.
- Additional residential development and new non-residential square footage will require additional police department services for a range of law enforcement activities. These incremental increases in traffic volumes, number of dwelling units, square footages of non-residential space, City population, and expansion of service area will add to the need for the RPD to hire new personnel, add additional facility space to accommodate added personnel, and purchase and maintain additional equipment. Absent an expansion of RPD personnel and/or other affirmative actions, implementation of the Project would result in a reduced level of service, increased response times, and potentially increased rates of criminality within the City.
- As specified under Resolution No. 4484 and as authorized under Sections 66000-66025 of the CGC, the City presently (2008) collects "development impact fees" for law enforcement. The current (2008) law enforcement development fee of approximately $4.50 million is less than the estimated recurring annual cost of about $8.24 million (in 2008 dollars) for the provision of police services to the Project site at full build-out. Mitigation Measure 9-1 has been formulated to address potential Project-specific impacts upon the RPD.
- In addition to development impact fees, funding for law enforcement is typically derived through ad valorum taxation and based on yearly allocations that occur through the City's annual budget process. Increased property valuation provides a mechanism whereby the City has the ability to augment existing RPD resources to accommodate reasonably anticipated Project-related demands.
- While retaining design and development options and individuality for each planning area and seeking to avoid needless regimentally within individual neighborhoods, the Applicant has sought to incorporate a number of "crime prevention through environmental design" (CPTED) principals into the LCRSP,

including facing front yards, fronts of buildings, and main entries to dwelling on streets or driveways; providing lighting at walks, ramps, parking lots and entrances to dwelling units; avoiding placing plants which screen doors and windows of dwelling units; designing walls to be graffiti resistant; and providing sidewalks or walkways for safe convenient direct access to each dwelling unit and throughout a development.

- Notwithstanding the inclusion of these Applicant-proposed CPTED concepts, Mitigation Measures 9-2 and Mitigation Measure 9-3 have been formulated specifying the provision of clearly identifiable street addresses and building numbers to facilitate emergency response, providing the RPD the opportunity to review the Project's individual design elements in order to reduce the potential demand upon police services though the incorporation of CPTED principals, obligating payment of applicable fees, and imposing such additional requirements as may be reasonably imposed by the RPD.

- **Mitigation Measure 9-1:** Police Protection. The Applicant shall take such actions and pay such fees as may be reasonably imposed by the Rialto Fire Department (RPD) to ensure the timely provision of adequate and appropriate police protection and emergency services to the LCRSP and the uses authorized therein. This measure neither precludes the Applicant from identifying alternative actions and/or fees which can be demonstrated to result in the attainment of those same or similar objectives nor obligates the RPD to accept those alternative measures and/or fees in lieu of those identified by the RPD. If consensus cannot be reached between the RPD and the Applicant, the City Council shall establish the actions and fees applicable to the Project. Should the City subsequent adopt an impact fee program for police protection services, unless a substitute measure(s) is imposed by the City, payment of applicable impact fees would effectively mitigation Project-related impacts upon police protection services and serve to fulfill the Applicant's obligations hereunder.

- **Mitigation Measure 9-2:** Police Protection. As specified by the RPD and in accordance with Section 505.1 (Premise Identification) in Chapter 15.28 (Fire Code) in Title 15 (Building and Construction) of the City Municipal Code, final design plans for individual residential and non-residential development projects shall include clearly visible street address signs and/or building numbers to allow for ease of identification during both day and nighttime periods and facilitate emergency response.

- **Mitigation Measure 9-3:** Police Protection. Prior to the issuance of building permits for new construction projects, the RPD shall be provided the opportunity to review and comment upon building plans in order to: (1) facilitate opportunities for improved emergency access and response; (2) ensure the consideration of design strategies that facilitate public safety and police surveillance; (3) offer specific design recommendations to enhance public safety; and (4) through the incorporation of "crime prevention through environmental design" (CPTED) strategies, reduce potential demands upon police services.

- With the implementation of those mitigation measures, associated operational police protection impacts would be reduced to a less-than-significant level.

5.9.6 **Public Services and Recreation Impact 9-6**: Police Protection. Construction and occupancy of 8,407 dwelling units and 849,420 square feet of non-residential uses and the traffic those units and uses generate on Interstate freeway system and along roadways in County unincorporated areas will increase existing demands upon California Highway Patrol (CHP) resource.

Finding: The City Council hereby makes Finding (1) and determines that this potential impact is less than significant by implementation of project design features and/or compliance with existing laws and regulations, and therefore no mitigation measures are required or recommended.

Facts in Support of Finding: The following facts are presented in support of this finding:

- Project-related and cumulative public services and facilities impacts are addressed in Section 4.9 (Public Services and Recreation) and in Appendix III-I (Fire Agency Emergency Response Study) in the original FEIR and that analysis is incorporated by reference herein.
- The CHP responds to traffic accidents on State highways, components of the Interstate highway system, and traffic accidents on all streets located in unincorporated areas of the State. The primary source of funding for the CHP is through California's Motor Vehicle Registration Fee. The allocation of these fees to each service area is determined by CHP headquarters (Sacramento) based on its determination of each area's service needs. Each division determines its own staffing allocation relative to the geographic needs within its boundaries based on that service area's unique requirements and budget constraints.
- The CHP provides law enforcement assistance to the SBCSD, RPD, and to other municipal law enforcement agencies through an informal mutual aid agreement. Although annexation of unincorporated lands into the City would reduce the CHP service area, it can be assumed that the construction and occupancy of 8,407 dwelling units and 849,420 square feet of non-residential land uses and the traffic those units and uses will generate on the State and Interstate freeway system and other roadways in County unincorporated areas will increase existing demands upon CHP resources.
- The payment of motor vehicle registration and driver's license fees by on-site residents and businesses will increase revenue opportunities available to the CHP and provide funding for additional staffing and equipment to meet, either in whole or in part, future demands.
- Since none of the recommended threshold criteria would be exceeded, the identified impact would be less than significant and no mitigation measures or other CEQA-oriented conditions of approval are recommended or required.

5.9.7 **Public Services and Recreation Impact 9-7**: Fire Protection. Based on the Rialto Fire Department's (RFD) existing staffing ratios, at full Project build-out, the projected population of approximately 32,720 persons would generate an additional staffing demand for about 27.2 department personnel. Additional unquantified demands upon the RFD would also result from the operation of commercial and other non-residential uses and the congregation of people in public places. Those RFD employees would have corresponding equipment and spatial requirements that would not likely be met with existing RFD resources.

Finding: The City Council hereby makes Finding (1).

Facts in Support of Finding: The following facts are presented in support of this finding:

- Project-related and cumulative public services and facilities impacts are addressed in Section 4.9 (Public Services and Recreation) and in Appendix III-I (Fire Agency Emergency Response Study) in the original FEIR and that analysis is incorporated by reference herein.
- The RFD notes that the area comprising Neighborhoods I and IV are a concern with regards to emergency response time and coverage. A plan for fire protection and services has not been developed by the RFD and the RFD and the SBCFD have not met to formalize and finalize plans and/or agreements for fire service delivery to that area. In addition, the City has a contract in place with Rialto Firefighters Local 3688 that requires membership approval or voters' approval to contract fire services. Additionally, the RFD has rights granted through the Health and Safety Code (H&SC) allowing the City to provide advanced and basic life support ambulance transportation. Annexed areas must have RFD paramedic transport or the local emergency management service (EMS) agency could revoke the City's rights within the current City boundaries.
- Four options have been identified with regards to the provision of fire protection and paramedic services to the Project site. Each of those options is briefly described below.
  (1) Option 1 (Full annexation and City provides fire protection services).
  (2) Option 2 (Full annexation and City and County share fire protection services).
  (3) Option 3 (Partial annexation and City and County provide fire protection service within their respective jurisdictions).
  (4) Option 4 (Pay per call plan).
- The Applicant, SBCFD, and City have discussed how fire services would be provided to Neighborhoods I and IV and have determined that Option 2 is the preferred option for the delivery of fire services. A new fire station is proposed to be located between PAs 14 and 15 in Neighborhood I. The fire station will be owned and operated by SBCFPD as County Fire Station No. 81. The area, however, will be annexed to the City. The City and County would enter into an out-of-service-area agreement to address the provision of fire services by the County to areas under City jurisdiction.
- As specified under Chapter 3.60 of the City of Rialto Municipal Code and as authorized under Sections 66000-66025 of the CGC, the City presently collect "development impact fees" for fire facilities. The current (2008) one-time fire facilities development fee of approximately $3.51 million is less than the estimated recurring annual cost of about $4.51 million (in 2008 dollars) for the provision of fire protection services to the Project site at full build-out. The development impact fee has been independently determined from a Citywide perspective and is not intended to represent the estimated annual recurring cost to the RFD attributable to any single development project.
- In addition to development impact fees, funding for fire protection is typically derived through ad valorum taxation and based on yearly allocations that occur through the City's annual budget process. Increased property valuation provides a mechanism whereby the City has the ability to augment existing RFD resources to accommodate reasonably anticipated Project-related demands.

- With regards to existing RFD facilities, no portion of Neighborhood I and all or a substantial portion of Neighborhood IV fall within a four-minute response time. Within County unincorporated areas, fire protection and emergency services are presently provided to the LCNPD, GHSP, and Lower Lytle Creek areas by the SBCFD. The nearest SBCFD facilities to those areas are Station 2 (1511 Devore Avenue, Devore) and Station 75 (2156 Darby Street, Muscoy). Station 2 is the nearest to Neighborhoods I and IV, located more than 1½ miles to the northeast. As stipulated by the County Board of Supervisors, a new County fire station must be constructed prior to occupancy of the 1,000th dwelling unit in Rosena Ranch and, upon completion, will be staffed and operated by the SBCFD. As proposed SBCFD Station 81 will be sited within or adjacent to PAs 14 and 15. Once operational, with regards to the LCNPD and by extension the LCRSP, response time to emergencies within the community will be 4-6 minutes, well within NFPA guidelines.
- Pending the commencement of operation of SBCFD Station 81, adequate response times to Neighborhoods I and IV cannot be reasonably assured. Mitigation Measures 9-4 and 9-5 to address this impact were included in the original FEIR. As discussed above, these mitigation measures were found to constitute improperly deferred mitigation. Mitigation Measure 9-4 has been revised to effectively serve to restrict development within Neighborhoods I and IV until such time as SBCFD Station 81 were to commence operation, alternative fire protection and emergency response facilities were to be provided, or other evidence of adequate and appropriate services and compensatory fire protection could be provided to the satisfaction of the RPD or the agency with fire protection and emergency services jurisdiction over that area that NFPA response standards can be met. Mitigation Measure 9-5 obligates payment of development fees at the time of building permit issuance to address fire protection.

  Mitigation Measure 9-4: Fire Protection. Prior to the issuance of building permits for any habitable use in Neighborhoods I and IV, the Applicant shall demonstrate to the satisfaction of the Rialto Fire Department and/or to the agency with fire protection and emergency jurisdiction over that area that the National Fire Protection Association 1710 response standards can and will be satisfied prior to the issuance of any occupancy permits within those areas.

  Mitigation Measure 9-5: Fire Protection. At the time of building permit issuance, the Applicant shall pay to the City of Rialto Development Impact Fees for fire protection, based on the number of residential units or square footage of non-residential development included in each permitted building. Such fees shall be paid in accordance with the fee schedules set forth in the proposed Pre-Annexation and Development Agreement (Development Agreement) between the City and the Applicant. If such a Development Agreement is not approved, such fees shall be paid pursuant to the City's Fire Protection Services Development Fee program under Chapter 3.60 of the City of Rialto Municipal Code.

- Implementation of those measures would reduce the Project's potential fire protection impacts to a less-than-significant level.

5.9.8 **Public Services and Recreation Impact 9-8**: Public Schools. Project implementation will increase enrollment within the Rialto Unified School District, Fontana Unified School

District, and/or San Bernardino City Unified School Districts, thus placing additional personnel, resource, and spatial demands on existing facilities located in the general Project area, and/or predicating the need to construct, staff, and equip new elementary, middle, and/or high schools to serve increased attendance.

Finding: The City Council hereby makes Finding (1).

Facts in Support of Finding: The following facts are presented in support of this finding:

- Project-related and cumulative public services and facilities impacts are addressed in Section 4.9 (Public Services and Recreation) and in Appendix III-I (Fire Agency Emergency Response Study) in the original FEIR and that analysis is incorporated by reference herein.
- The Project site is located within the boundaries of three separate school districts. A portion of Neighborhood I and those areas within Neighborhoods II and III proposed for development are located within the boundaries of the Rialto Unified School District (RUSD). A portion of Neighborhood I and the undeveloped portions of Neighborhoods II and III are located within the boundaries of the San Bernardino City Unified School District (SBCUSD). Neighborhood IV is located within the boundaries of the Fontana Unified School District (FUSD). New residential development within those neighborhoods will directly impact each district through the introduction of new school-age children. New non-residential development will introduce new workers within district boundaries who may elect to enroll children into schools within the district where they are employed.
- Within the RUSD, two future school sites and abutting joint-use facilities are proposed in Neighborhood III, including a 10-acre "elementary school" (PA 49) and 5-acre "open space/joint use" site (PA 48) and a 14-acre "elementary/middle school" (PA 69) and 12-acre "open space/joint use" site (PA 74).
- Collectively, the number of school-aged children residing in the Project's 8,407 dwelling units is estimated to generate a total of 5,243 students, include 2,675 Grade K-5, 1,060 Grade 6-8, and 1,509 Grade 9-12 students.
- Mitigation Measure 9-6 has been formulated that stipulates that, prior to the issuance of any building permits, the Applicant shall deliver to the City evidence of compliance with applicable school impact fee requirements. The City's receipt of that documentation constitutes evidence that impacts on each affected school district have been mitigated to a less-than-significant level. In addition, Mitigation Measure 9-7 has been formulated specifying that any school sites identified in the LCRSP be deemed acceptable to the benefitting school district.

  Mitigation Measure 9-6: Schools. Prior to the issuance of any building permits for residential and/or non-residential uses within the boundaries of the Rialto Unified School District (RUSD), the Fontana Unified School District (FUSD), and/or the San Bernardino City Unified School District (SBCUSD), the Applicant shall present the City with a certificate of compliance or other documentation acceptable to the City demonstrating that the Applicant has complied with applicable school board resolutions governing the payment of school impact fees and/or has entered into an Assembly Bill 2926-authorized school facilities funding mitigation agreement with the applicable school district(s) or is exempt from the payment of school impact fee exactions.

Mitigation Measure 9-7: Schools. Prior to the recordation of any final "B" level subdivision map (excluding any "A" level subdivision map for financing purposes only) specifying the location for a new public school site(s), the Applicant shall present the City with documentation, acceptable to the City, evidencing that the location, configuration, and size of the proposed school site has been found acceptable or has been found conditionally acceptable by the public school district in whose jurisdiction the site is located. The City, at its discretion, may condition the approval of the final subdivision map and/or any subsequent entitlements therein upon the fulfillment of any conditions subsequent or the Applicant's performance of such other actions as may be reasonably anticipated to produce compliance with conditions identified by that school district.

- Implementation of these measures would reduce Project-related impacts on school facilities to a less-than-significant level.

5.9.9 **Public Services and Recreation Impact 9-9**: Public Libraries. Project implementation will increase the resident population of the City or Rialto, including the number of school-age children, incrementally increasing existing spatial and resource-related demands now being placed on the San Bernardino County Public Library, Rialto Branch.

Finding: The City Council hereby makes Finding (1) and determines that this potential impact is less than significant by implementation of project design features and/or compliance with existing laws and regulations, and therefore no mitigation measures are required or recommended.

Facts in Support of Finding: The following facts are presented in support of this finding:

- Project-related and cumulative public services and facilities impacts are addressed in Section 4.9 (Public Services and Recreation) and in Appendix III-I (Fire Agency Emergency Response Study) in the original FEIR and that analysis is incorporated by reference herein.
- The City is served by the San Bernardino County Public Library (SBCPL), a county dedicated property tax library. The County Library receives 85 percent of its funding from property taxes. The closest SBCPL facility is the Rialto Branch Library (251 West First Street, Rialto 92376).
- The introduction of new residents will increase localized demands on existing SBCPL services and facilities. Absent library expansion (measured in terms of spatial, collection size, personnel, and operational budget), existing service levels will decrease, materials will show greater wear, new resources and systems will not be introduced at a comparable rate, and access to County library services will diminish.
- As specified under Resolution No. 4484 and as authorized under Sections 66000-66025 of the CGC, the City presently collects "development impact fees" for a new library building. New library building fees collected pursuant to Resolution No. 4484 exceed the projected recurring costs associated with the provision of expanded library services attributable to the Project. Payment of applicable developer impact fees will mitigate Project-related library impacts to less than significant.
- Since none of the recommended threshold criteria would be exceeded, the

identified impact would be less than significant and no mitigation measures are recommended or required.

5.9.10 **Public Services and Recreation Impact 9-10**: Public Recreational Facilities. As indicated in the City General Plan, Rialto has adopted a standard of three acres of parkland for each one thousand residents. As further specified in Section 17.23.030 of the City Municipal Code, for qualifying projects, 3.0 acres of property for each one thousand persons residing within the City shall be devoted to neighborhood and community parks.

Finding: The City Council hereby makes Finding (1) and determines that this potential impact is less than significant by implementation of project design features and/or compliance with existing laws and regulations, and therefore no mitigation measures are required or recommended.

Facts in Support of Finding: The following facts are presented in support of this finding:

- Project-related and cumulative public services and facilities impacts are addressed in Section 4.9 (Public Services and Recreation) and in Appendix III-I (Fire Agency Emergency Response Study) in the original FEIR and that analysis is incorporated by reference herein.
- The introduction of new residents and new businesses into the City will increase existing demands on City-provided and City-maintained recreational facilities. The methodology for calculating actual park dedication and/or in-lieu fee requirements is presented in Chapter 17.23 (Park and Recreation Facilities Dedication) in the City Municipal Code.
- As described in the LCRSP, a total of about 345.7 acres of parklands (inclusive of golf course, SCE right-of-way, neighborhood park, joint-use parks, Grand Paseo, active adult recreation center, private recreation centers, passive recreational areas and trails) will be provided by the Project, including approximately 328.8 acres designated “Open Space/Recreation (OS/R)” and 17.0 acres designated “Open Space/Joint Use (OS/JU).”
- As specified under Resolution No. 4484 and as authorized under Sections 66000-66025 of the CGC, the City presently collects “development impact fees” for park facilities. Since the Project can reasonably satisfy Quimby Act requirements through the dedication of on-site lands and/or the payment of in-lieu fees, the LCRSP can be deemed to be in general compliance with applicable City General Plan and City Municipal Code requirements relating to parkland dedication.
- Since none of the recommended threshold criteria would be exceeded, the identified impact would be less than significant and no mitigation measures are recommended or required.

5.9.11 **Public Services and Recreation Impact 9-11**: Public Recreational Facilities. Numerous regional hiking, bicycling, and equestrian trails are identified in planning documents illustrating the Project site. Failure to identify, preserve, and construct specified trail segments in a manner and in a location consistent with regional trail plans could adversely affect the functionality of those trails.

Finding: The City Council hereby makes Finding (1).

Facts in Support of Finding: The following facts are presented in support of this finding:

- Project-related and cumulative public services and facilities impacts are addressed in Section 4.9 (Public Services and Recreation) and in Appendix III-I (Fire Agency Emergency Response Study) in the original FEIR and that analysis is incorporated by reference herein.
- Planned components to the County's regional trails that include segments potentially located on or Project site include, but may not be limited to, the Lytle Creek, Greenbelt, Frontline, and Frontline Connection Trails.
- An extensive trail system is proposed both on the Project site and those areas that were previously approved as part of the adjacent LCNPD (Rosena Ranch). Numerous on-site planning areas (PAs 19, 24, 29, 81, and 97) will include paved trails. Certain trails presented in the County General Plan or, more specifically, those segments thereof which are illustrated in the County General Plan as occurring or illustrated within the Project site, have not been specifically incorporated into the LCRSP. Those trail segments include the Lytle Creek, Greenbelt, and Frontline Connection Trails. Implementation of the LCRSP could, therefore, foreclose future opportunities for the development of a regional trail system and/or result in the introduction of obstacles that prevent trail users from traversing the subject property and connecting to other off-site segments of those County trails.
- Mitigation Measure 9-8 has been formulated to ensure that opportunities are retained for the development of on-site segments of County-identified trails and that trail planning become integrated into other proposed elements of the Applicant's non-motorized transportation plans.

  Mitigation Measure 9-8: Parks and Recreation. Prior to the recordation of any "B" level subdivision map (excluding any "A" level subdivision map for financing purposes only) affecting lands upon which a regional trail segment has been identified in the "County of San Bernardino General Plan" (e.g., "Open Space – A Plan for Open Space and Trails for the County of San Bernardino"), the Applicant shall submit and, when acceptable, the City shall approve a "regional trail component plan" addressing the Applicant's plans to implement any on-site segments of those identified trails, including preservation of rights-of-way, recordation of easements, and applicable design and development standards governing the construction, operation, and maintenance of those trail segments, if any.

- Implementation of the recommended mitigation measure will reduce Project-related impacts on regional trails to a less-than-significant level.

5.9.12 **Public Services and Recreation Impact 9-12**: Public Recreational Facilities. As proposed, a number of sites have been designated "Open Space/Joint Use" (OS/JU) and are intended for joint use by the Rialto Unified School District for recreational purposes associated with adjoining school sites and by the City of Rialto for general recreational use. Operational joint-use problems could be encountered based on the distinct needs of those two separate users groups.

Finding: The City Council hereby makes Finding (1).

Facts in Support of Finding: The following facts are presented in support of this finding:

- Project-related and cumulative public services and facilities impacts are addressed in Section 4.9 (Public Services and Recreation) and in Appendix III-I (Fire Agency Emergency Response Study) in the original FEIR and that analysis is incorporated by reference herein.
- Joint-use facilities can prove beneficial to school districts and recreation and park agencies but introduce certain complexities as to the manner of their operation, the time periods when available to diverse user groups, costs and responsibilities for maintenance, and the types of amenities to be provided. These complexities suggest that joint-use arrangements are potentially problematic and that general public use of shared facilities may be limited based on school needs and priorities. Joint-use facilities, therefore, cannot be viewed in the same fashion as single-use facilities which are made available for general public use without those same restrictions.
- To the extent that the Applicant seeks City approval, against Quimby Act obligations, for the dedication of any real property designated in the LCRSP for "open space/joint use," the Lead Agency must retain discretion concerning the applicability of any such shared resources. Mitigation Measure 9-9 has been formulated which promotes the retention of that discretion with regards to Quimby Act credits applicable to "open space/joint use" designated areas. In addition, because the Applicant's provision of recreational facilities designed for joint school and broader public use could have land-use and other environmental implications, a mitigation measure (Mitigation Measure 9-10) has been formulated stipulating that a park-dedication agreement be executed with the City.

  Mitigation Measure 9-9: Parks and Recreation. To the extent that the Applicant seeks to apply the dedication and/or physical improvement of any lands designated "open space/joint use" in the LCRSP against City-imposed Quimby Act obligations, the City, at its sole discretion, shall determine to what extend, if any, such dedication and/or physical improvement constitutes an off-set against the Applicant's obligations under Chapter 17.23 (Park and Recreation Facilities Dedication) in the City Municipal Code.

  Mitigation Measure 9-10: Parks and Recreation. Prior to the recordation of the first "B" level subdivision map (excluding any "A" level subdivision map for financing purposes only), the Applicant shall execute a park-dedication agreement, in a form acceptable to the City, stipulating: (1) the type, quantity, location, and timing of any real property to be dedicated to the City; (2) any improvements thereupon which will be undertaken by the Applicant; and (3) identifying the party or parties that will be responsible for the maintenance of those lands. The land to be dedicated shall be suitable for public use as parks, trails, and/or active open space, as shall be determined in the sole discretion of the City and the City shall not be required to accept land which, in the sole discretion of the City, is not useable for parks, trails, and/or active open space or which would require extensive expenditures on the park of the City to make usable or which possess environmental conditions or constraints that would preclude their use for public park and recreational purposes. If deemed

applicable, the City may require that the Applicant provide a bond or other instrument acceptable to the City ensuring the Applicant's performance under that agreement.

- Implementation of the recommended mitigation measures would reduce potential joint-use impacts to a less-than-significant level.

5.9.13 **Public Services and Recreation Impact 9-13**: The approval of other reasonably foreseeable future development projects within the general Project area will increase existing demands on the San Bernardino County Sheriff's Department and Rialto Police Department law enforcement activities, San Bernardino County Fire Department and Rialto Fire Department fire protection and emergency services, increase the number of school-aged children served by the Rialto Unified School District, Fontana Unified School District, and San Bernardino City Unified School District, and increase the demand for park and recreational facilities within the County and throughout the City.

Finding: The City Council hereby makes Finding (1) and determines that this potential impact is less than significant by implementation of project design features and/or compliance with existing laws and regulations, and therefore no mitigation measures are required or recommended.

Facts in Support of Finding: The following facts are presented in support of this finding:

- Project-related and cumulative public services and facilities impacts are addressed in Section 4.9 (Public Services and Recreation) and in Appendix III-I (Fire Agency Emergency Response Study) in the original FEIR and that analysis is incorporated by reference herein.
- Areawide development will increase the number of individuals residing in the general Project area, result in the conversion of vacant and underutilized lands to more intensive uses, introduce new businesses, increase the use of products and materials those businesses utilize, and increase the inventory of products, merchandise, and other material goods. As population levels increase, so too does the demand for public services and facilities.
- Based on a Statewide, regional, areawide, and/or local assessment of need, public agencies have the ability to construct new facilities, purchase new equipment, and add personnel in response to identified demands. Local agencies have the ability to deny or condition individual development applications based on each agency's independent assessment of potential Project-related impacts upon law enforcement and fire protection agencies, facilities, equipment, and personnel. Public agencies have the ability to respond to those changes through increases or decreases in annual budgetary allocations provided to law enforcement and fire protection agencies.
- All affected school districts (e.g., RUSD, FUSD, and SBCUSD) are authorized to impose school impact fees upon those residential and non-residential development projects within each school district's jurisdiction. The imposition and collection of those statutory fees or the execution of an AB 2926 mitigation agreements is deemed presumptive that Project-related impacts on school districts and their facilities are effectively mitigated to a less-than-significant level.
- Local agencies are authorized to impose Quimby Act fees and/or require the dedication of real property for park and recreational purposes. Since local agencies can independently set and collect those fees, each agency has the

ability to increase parkland within their jurisdictions in a manner consistent with population growth. Similarly, as with the SBCPL, the decision-making bodies of affected municipalities can set local priorities and allocate resources in a manner designed to allow for the attainment of locally established goals and objectives.

- To the same extent those Project-level impacts upon public services and facilities identified herein have been effectively mitigated to a less-than-significant level through the imposition of mitigation measures, each agency is empowered to impose conditions on related Project activities to ensure that the impacts attributable to those Project are reduced to the maximum extent feasible.
- Since none of the recommended threshold criteria would be exceeded, the identified impact would be less than significant and no mitigation measures are recommended or required.

5.10 Utilities and Service Systems

5.10.1 Utilities and Service Systems Impact 10-1: Water Supply. During construction, water is required for a variety of purposes (e.g., dust palliation, fire suppression, human consumption). The on-site need for water may predate its availability and the provision of infrastructure systems necessary to supply those location-specific water needs.

Finding: The City Council hereby makes Finding (1).

Facts in Support of Finding: The following facts are presented in support of this finding:

- Project-related and cumulative utilities and service systems impacts are addressed in Section 4.10 (Utilities and Service Systems), in Appendix III-J (Water Supply Assessment), and in Appendix III-K (Wastewater Collection and Treatment) in the original FEIR and that analysis is incorporated by reference herein.
- During construction, substantial quantities of water are required both to control fugitive dust and to facilitate the compaction of soil materials to obtain adequate load-bearing capacity. In addition, construction water is often required for removing dirt from the wheel wells of construction vehicles departing the Project site and for the clearing of streets of the dirt and debris that may be deposited by exiting construction vehicles, and potentially for fire suppression activities.
- As required by OSHA standards, “temporary or permanent water supply, of sufficient volume, duration, and pressure, required to properly operate the firefighting equipment shall be made available as soon as combustible materials accumulate” (29 CFR 1926.150[b][1]). Cal/OSHA has similar fire safety standards (Section 1920, CCR).
- Based on the need to ensure appropriate on-site or near-site water resources during Project construction, Mitigation Measure 10-1 has been formulated requiring the review and approval of final water improvement plans by the RFD. In addition, Mitigation Measure 10-2 has been formulated specifying that fire hydrants be installed in compliance with applicable code requirements (e.g., Section 10.301 of the Uniform Fire Code) or that alternative measures acceptable to the Chief Officer of the Fire Department serving the jurisdiction be submitted prior to the issuance of grading permits.
- Although the West Valley Water District (WVWD) had demonstrated the availability of sufficient of potable water resources to serve the proposed

development, a mitigation measure, Mitigation Measure 1-9, previously discussed in the Land Use Section, but repeated below, has been formulated to ensure that the sequencing of authorized land uses occurs in a manner and in a time period integrally linked to those infrastructure improvements and municipal serves required to adequately support the proposed land uses. Also, Mitigation Measure 10-3 has been formulated stipulating that, prior to the issuance of any building permits, the Applicant shall deliver to the City a will-serve letter or similar documentation, as may be acceptable to the City Engineer, from the Project's water purveyor documenting the availability and sufficiency of water supplies to serve the proposed development.

Mitigation Measure 10-1: Water Supply. Prior to the issuance of any grading permits, the Rialto Fire Department shall review and, when deemed acceptable, approve final water improvement plans including, but not limited to, the location, sizing, design, and capacity of any proposed water storage tanks, water mains, and fire hydrants to ensure the sufficiency of fire storage and delivery capacity and compliance with applicable City requirements.

Mitigation Measure 10-2: Water Supply. Prior to the issuance of grading permits, fire hydrants shall be installed in compliance with applicable code requirements (e.g., Section 10.301 of the Uniform Fire Code) or, if fire flow requirements cannot be fully satisfied from existing on-site fire hydrants and mains, alternative fire flow delivery measures acceptable to the Chief Officer of the Fire Department (Fire Chief) serving the jurisdiction shall be formulated and make conditions of grading permit approval. Prior to permit issuance, a letter of compliance or similar documentation shall be submitted to the City Engineer by the Fire Chief or designee.

Mitigation Measure 10-3: Water Supply. Prior to the issuance of any building permits, the Applicant shall deliver to the City a will-serve letter or similar documentation from the Project's water purveyor, as may be acceptable to the City Engineer, documenting the availability and sufficiency of water supplies to serve the proposed development.

- As mitigated, construction-term water supply impacts can be mitigated to a less-than-significant level.

5.10.2 **Utilities and Service Systems Impact 10-2**: Sewerage Disposal. During construction, the Project's wastewater collection system may not be operational or accessible to workers. Temporary facilities may be required to ensure that construction sites are operated and maintained in a sanitary fashion.

Finding: The City Council hereby makes Finding (1) and determines that this potential impact is less than significant by implementation of project design features and/or compliance with existing laws and regulations, and therefore no mitigation measures are required or recommended.

Facts in Support of Finding: The following facts are presented in support of this finding:

- Project-related and cumulative utilities and service systems impacts are addressed in Section 4.10 (Utilities and Service Systems), in Appendix III-J

(Water Supply Assessment), and in Appendix III-K (Wastewater Collection and Treatment) in the original FEIR and that analysis is incorporated by reference herein.

- The provision of potable water and toilet facilities is required under OSHA (29 CFR 1926.51) and Cal/OSHA (Section 1524-1526, CCR) standards. Typically, "port-a-potties" are brought onto the Project site and are maintained by the firm providing those temporary facilities. Using a vacuum truck, waste materials are then disposed of off the Project site in accordance with the permits held by those vendors. As such, throughout the construction period, Project-related impacts on existing sewerage disposal facilities are considered to be de minimis.
- Since none of the recommended threshold criteria would be exceeded, the identified impact would be less than significant and no mitigation measures are recommended or required.

5.10.3 Utilities and Service Systems Impact 10-3: Solid Waste. Construction wastes will be generated during site clearing and grading, through the development of required infrastructure, during building construction, and through the installation of landscaping. These wastes can consume inordinate amounts of landfill capacity unless efforts are taken to reduce the quantity and volume of materials being landfilled.

Finding: The City Council hereby makes Finding (1) and determines that this potential impact is less than significant by implementation of project design features and/or compliance with existing laws and regulations, and therefore no mitigation measures are required or recommended.

Facts in Support of Finding: The following facts are presented in support of this finding:

- Project-related and cumulative utilities and service systems impacts are addressed in Section 4.10 (Utilities and Service Systems), in Appendix III-J (Water Supply Assessment), and in Appendix III-K (Wastewater Collection and Treatment) in the original FEIR and that analysis is incorporated by reference herein.
- C&D wastes will be generated during site clearance, grading, street and utilities installation, building construction, and installation of landscaping and irrigation systems and can include vegetation, earth materials, wood, metal, plastic, cardboard and paper products, miscellaneous wastes, and food wastes.
- Many of the materials contained in the construction waste stream, such as wood, sheetrock, cardboard, and metals, are economically recyclable. As such, in order to reduce costs, builders and other construction contractors typically promote efforts to salvage these materials during construction. Recycling of C&D wastes at construction sites is typically undertaken either directly by each builder or under contract to other parties. If no effort is made to promote the recycling of construction wastes, such as through job site segregation, a greater tonnage and volume of wastes will require off-site disposal. Since the Applicant and other building contractors have an economic interest to reduce construction costs, maximum feasible recycling efforts will occur absent governmental intervention.
- Since none of the recommended threshold criteria would be exceeded, the identified impact would be less than significant and no mitigation measures are recommended or required.

5.10.4 <u>Utilities and Service Systems Impact 10-4</u>: Water Supply. At build-out, residential and non-residential uses will generate a peak daily demand of about 18.17 million gallons of potable water, thus placing a long-term demand on available water resources.

<u>Finding</u>: The City Council hereby makes Finding (1) and determines that this potential impact is less than significant by implementation of project design features and/or compliance with existing laws and regulations, and therefore no mitigation measures are required or recommended.

<u>Facts in Support of Finding</u>: The following facts are presented in support of this finding:

- Project-related and cumulative utilities and service systems impacts are addressed in Section 4.10 (Utilities and Service Systems), in Appendix III-J (Water Supply Assessment), and in Appendix III-K (Wastewater Collection and Treatment) in the original FEIR and that analysis is incorporated by reference herein.
- As required under the Urban Water Management Planning Act (UWMPA), codified in Sections 10610-10656 of the California Water Code, "[e]very urban water supplier shall prepare and adopt an urban water management plan in the manner set forth in Article 3 (commencing with Section 10640)" (Section 10620[a], CWC).
- Senate Bills 610 and 221, which became effective on January 1, 2002, amended State law to improve the link between information on water supply availability and certain land-use decisions in California. These two statutes require that detailed information regarding water availability be provided to decision makers prior to approval of specific large development projects and that information be included in the administrative record that serves as the evidentiary basis for an approval action on such projects. Under SB 221, city or county approval of certain residential subdivisions require an affirmative written verification of sufficient water supply. Under SB 610, water supply assessments (WSAs) must be furnished to local governments for inclusion in any CEQA documentation for certain large projects.
- Sections 10910, 10911 and 10912 (Water Supply Planning to Support Existing and Planned Future Uses) of the California Water Code requires cities and counties to include in their environmental impact reports a "water supply assessment," "identification of water supplies," and "projected demand" for Projects, as defined in Section 10912. As defined in Section 10912(a)(1) of the CWC, a proposed residential development of more than 500 dwelling units, must have a water supply assessment included in their EIR. In accordance therewith and as requested by the City, the WVWD prepared a WSA for the Project.
- The average daily water demand for the Project was estimated to be about 9.08 million gallons per day (mgd). According to the District's 2004 Water Master Plan, peak-day demand within the District's service area for the years 2002-2008 was twice the average day demand (18.17 mgd). The 18.17 mgd peak-day demand added to the existing (2006-2007) peak-day demand of 42.4 mgd plus the demands projected in the WSAs and previously issued "will-serve" letters of 15.0 mgd, totals 75.57 mgd for peak-day demand.
- Based on those capital improvement projects planned by the District for 2007-2011, that demand is within the District's projected production capacity. These

future projects include drilling new groundwater wells, the rehabilitation and equipping of existing wells, the Phase III expansion of the Oliver P. Roemer Wastewater Filtration Facility (WFF), and the construction of a new water filtration facility.

- Water demand projections used in the District's 2006 "West Valley Water District Urban Water Management Plan" (WVWD-UWMP) were generated from information within the District's 2004 "Water Master Plan" and from known developments. Demands within the Water Master Plan were based on those lands within the District's service area and their anticipated land uses.
- The Project site is located, in part, in the District's service area and, in part, within its adopted sphere of influence. When the Water Master Plan's projections were prepared, it was calculated that about 961 acres (39 percent of the Project) was located within the District's service area and about 1,486 acres (61 percent) was located within its sphere of influence. The future demands projected in the WVWD-UWMP include demands for that portion of the Project located within the District's service area but not for those areas located within its sphere of influence. An analysis of the area revealed that the 961 acres now in the District's service area boundary contained various land uses and was assigned a demand of 2,202 acre-feet per year (AF/Y) in the Water Master Plan. Based upon the proposed land uses included in the LCRSP, that same 961 acres will be developed with uses requiring additional water supply beyond the among included in the District's 2004 projections. The demand associated with the 1,486 acres of land in the District's Sphere of Influence was not included in the WVWD-UWMP and will also require additional supply.
- The projected total water demand projected for the LCRSP is estimated to be 10,174 AF/Y. Approximately 7,972 AF/Y of additional water, above those projected in the WVWD-UWMP, is required to supply the proposed development. The 7,972 AF/Y of additional water could be obtained by a combination of wells constructed in the Bunker Hill and Chino Groundwater Basins
- The District purchases State Water Project (SWP) water to augment its supplies to the Oliver P. Roemer WFF and for groundwater recharge when it is available. The use of SWP water has been used as a supplemental source for the District due to the SWP water quality, cost, and availability. The estimates of future SWP water deliveries for the District have been based on the estimates given in the "Draft State Water Project Delivery Reliability Report 2007" (SWPDRR).
- During a drought that reduces the available SWP allotment, all of the water agencies receiving SWP water will share in the deficit of the water budget on a percentage basis. In the event of reductions in SWP allotment, water agencies have discussed prioritizing the delivery of water with direct delivery having a higher priority than groundwater replenishment and recharge. In addition to the potential for drought which could reduce the available SWP allotment, the impact of the recent court decision (Natural Resources Defense Council v. Kempthorne) could also result in a reduction of SWP exports from the Sacramento Delta, although the exact amount of such reduction is not known at this time and depends upon if the year is considered an average water year or a dry water year. Should imported SWP water be reduced, the District would turn to and place greater reliance on the groundwater basins as a source for its future supplies of water until SWP allotments are increased.
- Projections for SWP are based on the District's ability to utilize the supply at the District's water filtration facilities (WFF). Phase III of the Oliver P. Roemer WFF

expansion, projected to be on line in 2010, will add 6.0 mgd of capacity to that facility for a total of 20.4 mgd. The District is projected to use their full allotment of surface water to treat at the WFF, allowing the District to utilize about 15,000 AF of SWP water, if available. By 2015, the 6.0 mgd Lytle Creek North Water Filtration Facility (Lytle Creek North WFF) is anticipated to be in operation, which would increase the District's ability to use up to 23,000 AF/Y of SWP water, if available. The proposed expansion of the Oliver P. Roemer WFF, in combination with the Lytle Creek North WFF, would enable the District to utilize additional SWP water, when available, and will allow the District to reduce groundwater pumping or replenish groundwater basins. The Oliver P. Roemer WFF and Lytle Creek North WFF will provide water to this Project and to others and allows the District flexibility in operating their water supply options.

- The availability of SWP water is based upon the projected deliveries of SWP waters from the Sacramento Delta under current and future conditions and the District's ability to utilize this source at their WFFs. Under all scenarios, projected water supply exceeds anticipated demand for 2010, 2015, 2020, and 2028.
- The demands projected in the WVWD-UWMP, along with the demand required for the Project, have been identified in the District's Project-specific WSA. For the purpose of this environmental compliance and in satisfaction of its requirements under SB 610 and SB 221, the District has demonstrated its plans to implement the additional supply projects which may be needed for the Project. The District has verified that it has the water supplies available during normal, single-dry, and multiple-dry years, within a 20-year projection, that will meet the projected demand associated with the Project, in addition to existing and planned future uses including, but not limited to, agricultural and industrial uses. The District has shown, through its WSA, written verification of water rights and contracts, agreements, and its capital improvements program of a sufficient water supply that has been adopted by its governing board of directors. The District has determined that there will be no foreseeable impacts of the Project on the availability of water resources for agricultural and industrial uses within the District's public water system service area that are not currently receiving water from the District's water system but are utilizing the same sources of water. The LCRSP is, therefore, consistent with the District's latest approved WMP (2004) and WVWD-UWMP (2006).
- While no significant environmental effects have been identified with regards to this impact, since the LCRSP does not explicitly delineate the timing of certain infrastructure improvements, a mitigation measure (Mitigation Measure 1-9) has been formulated to ensure that the sequencing of authorized land uses occurs in a manner and in a time period integrally linked to those infrastructure improvements and municipal serves required to adequately support the proposed land uses.
- Since none of the recommended threshold criteria would be exceeded, the identified impact would be less than significant and no additional mitigation measures are recommended or required.

5.10.5 **<u>Utilities and Service Systems Impact 10-5</u>**: Sewerage Disposal. At build-out, residential and non-residential uses will generate an estimated 5.016 million gallons of wastewater per day (mgd), thus placing a long-term demand on available wastewater treatment facilities. Of that, an estimated 4.295 mgd (from Neighborhoods II, III, and IV) of average daily flow will be conveyed to the City of Rialto Wastewater Treatment Plant and an estimated 0.721 mdg (from Neighborhood I) of average daily flow will be

conveyed to the Lytle Creek North Wastewater Recycling Facility for treatment. Insufficient sewerage treatment capacity presently exists at the City of Rialto Wastewater Treatment Plant to accommodate anticipated future year flows.

Finding: The City Council hereby makes Finding (1).

Facts in Support of Finding: The following facts are presented in support of this finding:

- Project-related and cumulative utilities and service systems impacts are addressed in Section 4.10 (Utilities and Service Systems), in Appendix III-J (Water Supply Assessment), and in Appendix III-K (Wastewater Collection and Treatment) in the original FEIR and that analysis is incorporated by reference herein.
- Projected neighborhood-specific average daily flow (ADF) and peaked flow was described in the DEIR. Wastewater generated Neighborhood IV will be conveyed to the Rialto WTP. Neighborhood III. Neighborhood III is comprised of two tributary areas (i.e., upstream and downstream of the point of connection in Locust Avenue). The expected flows from Neighborhood III will be directed to the City's identified collection point approximately 250 feet south of the Locust Avenue/Riverside Avenue intersection and conveyed to the Rialto WTP. A remainder of the Neighborhood III tributary area lying downstream of the point of connection in Locust Avenue will convey its flows into the Cactus Avenue sewer in Neighborhood II and then to the Rialto WTP. Neighborhood II. Neighborhood II is comprised of two tributary areas (i.e., tributary to the Cactus Avenue sewer and tributary to the Oakdale Avenue sewer). Wastewater generated in Neighborhood II will be conveyed to the Rialto WTP. Neighborhood I is comprised of three tributary areas, all tributary to and will be treated at the Lytle Creek North WRP.
- At build-out, an estimated 4.295 mgd average daily flow from Neighborhoods II, III, and IV will be conveyed to the Rialto WTP. By directing that flow to multiple existing lift stations (Ayala, Cactus, Lilac, and Sycamore Avenues) located south of the I-210 Freeway, the City has determined that, with certain upgrades, sufficient sewerage treatment capacity exists to accommodate expected flows from the proposed development. Those improvements and modifications have been included in the Project description and constitute components of the Project.
- Although sufficient capacity exists in the LCNWRP to accommodate projected Neighborhood I sewer flows, with regards to Neighborhoods II, III, and IV, the Applicant assumes that planned master plan upgrades to the Rialto WTP will be implemented by the City is advance of any future flows that might exceed that facility's capacity; however, improvement plans have not been finalized and funding for requisite improvements is not currently in place.
- The wastewater collection system analysis has also identified transmission line deficiencies requiring upgrades to serve the proposed development. To facilitate expected flows, approximately 9,135 linear feet of existing 12-inch to 30-inch diameter transmission main line would need to be upgraded downstream of the four identified lift stations.
- In recognition of these deficiencies and needed upgrades, since the LCRSP does not explicitly delineate the timing of certain infrastructure improvements, a mitigation measure (Mitigation Measure 1-9) has been formulated to ensure that

the sequencing of authorized land uses occurs in a manner and in a time period integrally linked to those infrastructure improvements and municipal serves required to adequately support the proposed land uses. In addition, the Lead Agency has formulated a mitigation measure (Mitigation Measure 10-4) stipulating that no building permits shall be issued for any use generating additional sewer flows unless the City Engineer first verifies that adequate sewer capacity is in place to accommodate that development.

Mitigation Measure 10-4: Wastewater. Prior to the issuance of building permits for any use that generates additional sewer flows, the City Engineer shall verify that adequate sewer capacity is in place to accommodate that development. This measure neither obligates the City to fund nor stipulates a performance schedule whereby any publicly funded improvements to the City's sewer collection and treatment system shall be implemented.

- As mitigated, operational wastewater impacts can be mitigated to a less-than-significant level.

5.10.6 Utilities and Service Systems Impact 10-6: Solid Waste. At build-out, an estimated 80,143 tons of solid waste will be generated per year (220 tons/day), inclusive of both residential and non-residential waste streams. Based on current estimated diversion rates (45 percent), an estimated 44,078 tons of waste will require landfilling per year (121 tons/day).

Finding: The City Council hereby makes Finding (1) and determines that this potential impact is less than significant by implementation of project design features and/or compliance with existing laws and regulations, and therefore no mitigation measures are required or recommended.

Facts in Support of Finding: The following facts are presented in support of this finding:

- Project-related and cumulative utilities and service systems impacts are addressed in Section 4.10 (Utilities and Service Systems), in Appendix III-J (Water Supply Assessment), and in Appendix III-K (Wastewater Collection and Treatment) in the original FEIR and that analysis is incorporated by reference herein.
- Project implementation will result in the introduction of new residents and new businesses which will generate a variety of solid wastes. Wastes that are not recycled or otherwise utilized will require landfill disposal and will serve to incrementally reduce remaining landfill capacity.
- At build-out, the Project's residential and non-residential components would generate about 80,143 tons per year or about 220 tons per day. Nearly 80 percent of the Project's projected total waste stream is comprised of organics, paper, and plastic wastes. Assuming an estimated 45 percent diversion rate, a total of about 44,078 tons of waste per year or about 121 tons of waste per day would still require landfill disposal.
- Most of the municipal solid waste (MSW) generated within the City is transported to the Mid-Valley Sanitary Landfill/Fontana Refuse Disposal Site (MVSL). The MVSL has a permitted disposal capacity of 7,500 tons/day and a total estimated

permitted capacity is 62 million cubic yards. In 2008, the total estimated consumed capacity of the MVSL is 26.73 million cubic yards (43.1 percent) and the estimated remaining capacity is 35.270 million cubic yards (56.9 percent). The landfill's estimated closure date is April 2033.

- Since none of the recommended threshold criteria would be exceeded, the identified impact would be less than significant and no mitigation measures are recommended or required.

5.10.7 <u>Utilities and Service Systems Impact 10-7</u>: Implementation of the Project and other related projects would impose cumulative impacts on water services and supplies, wastewater collection and treatment facilities, and solid waste collection and disposal within the general Project area.

<u>Finding</u>: The City Council hereby makes Finding (1) and determines that this potential impact is less than significant by implementation of project design features and/or compliance with existing laws and regulations, and therefore no mitigation measures are required or recommended.

<u>Facts in Support of Finding</u>: The following facts are presented in support of this finding:

- Project-related and cumulative utilities and service systems impacts are addressed in Section 4.10 (Utilities and Service Systems), in Appendix III-J (Water Supply Assessment), and in Appendix III-K (Wastewater Collection and Treatment) in the original FEIR and that analysis is incorporated by reference herein.
- With regards to water supplies, the demands projected in the WVWD-UWMP, along with the demand required for the Project, have been identified in the District's Project-specific WSA. As required under SB 610 and SB 221, the District has demonstrated its plans to implement the additional supply projects which may be needed for the Project. The District has verified that it has sufficient water supplies available during normal, single-dry, and multiple-dry years, within a 20-year projection, to meet the projected demand associated with the Project, in addition to existing and planned future uses.
- With regards to wastewater facilities, at the project-specific level, local agencies require project proponents to assess the impacts of projects on existing sewer facilities on an as-needed basis. Those analyses are conducted to identify any site-specific or project-specific improvements that may be required to the local and/or County sewer system that may be needed to handle increased sewage flows attributable to each project. As required, all related projects must construct any requisite local wastewater improvements needed to handle their respective flows. Based on those related project-specific obligations, cumulative impacts on areawide and localized wastewater collection and disposal facilities are not projected to manifest at a significant level.
- With regards to solid waste, related projects, in combination with continued regional growth, will place increased demand on available solid waste transfer and disposal facilities. Regional response to solid waste collection and disposal must include the permitting of additional landfills, the implementation of additional regulatory requirements mandating further waste reduction and diversion, and increased use of recycled materials. None of these actions can, however, be feasible implemented at the project-level.

- New solid waste disposal and processing facilities and alternative disposal strategies, including out-of-County disposal, are being independently formulated and will ensure that cumulative solid waste impacts will remain at a less-than-significant level.
- Since none of the recommended threshold criteria would be exceeded, the identified impact would be less than significant and no mitigation measures or other CEQA-oriented conditions of approval are recommended or required.

5.11 Hazards and Hazardous Materials

5.11.1 Hazards and Hazardous Materials Impact 11-1: Construction activities involving the transport, storage, use, and consumption of small quantities of flammable, corrosive, and/or explosive materials, including petroleum products, will occur in close proximity to existing residential areas and other sensitive receptors.

Finding: The City Council hereby makes Finding (1) and determines that this potential impact is less than significant by implementation of project design features and/or compliance with existing laws and regulations, and therefore no mitigation measures are required or recommended.

Facts in Support of Finding: The following facts are presented in support of this finding:

- Project-related and cumulative hazards and hazardous material impacts are addressed in Section 4.11 (Hazards and Hazardous Materials) and in Appendix III-L (Phase 1 Environmental Site Assessment) in the original FEIR and that analysis is incorporated by reference herein.
- Small quantities of hazardous materials may be transported, stored, used, and handled during construction activities, including small volumes of hydrocarbons and their derivatives (e.g., gasoline, hydraulic fluids) as may be required to operate the associated construction equipment. These materials could be potentially released into the environment as accidental spills. Although the types and quantities of hazardous materials used during construction are not considered acutely hazardous and would not pose a substantial risk to human health and/or safety, the release of such materials without substantial containment and cleanup could result in harm to the environment and to nearby receptors.
- All significant hazardous material spills or threatened releases, including petroleum products, regardless of quantity spilled, must be immediately reported if the spill has entered waters of the State, including streams and storm drains, or has caused an injury to a person or threatened injury to public health (Section 25507, H&SC). For non-petroleum products, additional reporting may be required if the release exceeds federal reportable quantity thresholds over a release period of twenty-four hours, as detailed in Section 25394.3 of the H&SC and 40 CFR 302.4. Spill notification guidance is summarized in the Governor's Office of Emergency Services - Hazardous Materials Unit's "California Hazardous Material Spill/Release Notification Guidance." Additional guidance concerning federal notification is also provided therein.
- Sufficient best management construction practices and regulatory controls are now in place to both minimize the potential discharge of hazardous materials into

the environment during construction operations and, should discharge occur, to provide appropriate notification and institute appropriate cleanup and disposal actions.

- Since none of the recommended threshold criteria would be exceeded, the identified impact would be less than significant and no mitigation measures are recommended or required.

5.11.2 Hazards and Hazardous Materials Impact 11-2: Construction activities could result in damage to existing high priority subsurface installations and/or other facilities, resulting in the discharge of hazardous materials and petroleum products, creating a risk of fire, explosion, and electrocution, and disrupting the delivery of those products and commodities which are transported through those systems.

Finding: The City Council hereby makes Finding (1) and determines that this potential impact is less than significant by implementation of project design features and/or compliance with existing laws and regulations, and therefore no mitigation measures are required or recommended.

Facts in Support of Finding: The following facts are presented in support of this finding:

- Project-related and cumulative hazards and hazardous material impacts are addressed in Section 4.11 (Hazards and Hazardous Materials) and in Appendix III-L (Phase 1 Environmental Site Assessment) in the original FEIR and that analysis is incorporated by reference herein.
- Liquid fuels and natural gas are potentially flammable, explosive, and/or toxic. Kinder Morgan Energy Partners' (KMEP) Calnev Interstate Pipeline and SoCalGas' natural gas transmission pipelines both transport liquid or gaseous fuels and traverse the Project site. KMEP's 14-inch diameter liquid fuel pipeline, which transports gasoline, jet fuel, and No. 2 diesel fuel, is located to the east of the Cemex USA's Lytle Creek. Separate environmental analysis is presently being conducted by the BLM and other agencies with regards to the proposed expansion of this facility, including the installation of a new 16-inch diameter pipeline within the same ROW. SoCalGas' two 36-inch diameter natural gas transmission pipelines (Lines 4000 and 4002), cross the Project site in generally a northeast-southwest direction.
- Construction activities could potentially disrupt services provided by underground and overhead utilities.
- As required under Section 4216-4216.9 (Protection of Underground Infrastructure) of the CGC, in order to avoid potential conflicts and hazards, the Applicant is required to notify Underground Service Alert (also known as the Underground Service Alert "One Call" Law, USA, or Dig Alert) at least two days prior to any ground disturbance activities in order to verify specific locations of existing underground utilities within 1,000 feet of the area of such disturbance. Prior to initiating such actions, overhead lines in the general vicinity would also be identified for the purpose of avoidance. AB 463 and SB 1359, as adopted in 2006, specify additional notification and training obligations. As evidenced by these statutory requirements, sufficient controls are in place to ensure that excavation activities and work in proximity to underground pipelines has minimal potential to damage and/or disrupt high priority subsurface installations and/or other facilities.

- Since none of the recommended threshold criteria would be exceeded, the identified impact would be less than significant and no mitigation measures are recommended or required.

5.11.3 **Hazards and Hazardous Materials Impact 11-3**: Excluding those exempt facilities that handle hazardous materials contained solely in a consumer product and pre-packaged for direct distribution to and for use by the general public (household hazardous wastes), certain permitted non-residential land uses may transport, store, use, and/or consume hazardous materials as part of their routine operation. In addition, the routine operation of certain permitted land uses may result in the release or potential release of toxic air contaminants (TACs). Since the specific plan allows for the proximal siting of residential and non-residential development and allows for a variety of land uses to occur therein, non-residential uses that utilize hazardous materials above household levels or emit TACs could be located in close proximity to homes and other sensitive receptors.

Finding: The City Council hereby makes Finding (1).

Facts in Support of Finding: The following facts are presented in support of this finding:

- Project-related and cumulative hazards and hazardous material impacts are addressed in Section 4.11 (Hazards and Hazardous Materials) and in Appendix III-L (Phase 1 Environmental Site Assessment) in the original FEIR and that analysis is incorporated by reference herein.
- Other than through the exclusion of heavy-industrial uses and the presence of existing federal and State laws and regulations relating to the transport, storage, use, and consumption of hazardous materials, the specific plan contains no prohibitions or use restrictions regarding hazardous materials and/or the generation and disposal of hazardous, medical, universal, or mixed wastes. In addition, the specific plan contains no standards or specifications regarding the creation of physical or spatial separation distances between those permitted uses that may possess those materials (e.g., health service facilities) or may release TACs (e.g., dry cleaners) and both residences and other sensitive receptors.
- Potential hazard-related issues could exist when light industrial, general warehousing, distribution center, and heavy commercial uses are proposed adjacent to single-family residential, multi-family residential, and/or institutional uses or when any of those potential sensitive uses are proposed adjacent to any of those existing non-residential land uses.
- In recognition of the potential land-use compatibility impacts associated with both the placement of certain permitted or conditionally permit land uses adjacent to other existing uses within and adjacent to the specific plan area, a mitigation measure, Mitigation Measure 1-1, described and set forth in the Land Use Section above, is recommended which, when implemented, will reduce potential land-use compatibility conflicts to a less-than-significant level. In addition, a mitigation measure, Mitigation Measure 7-16, described and set forth in the Air Quality Section above, has been formulated specifying certain disclosure requirements for properties within 500 feet of the I-15 Freeway, Cemex USA quarry, and/or Vulcan Materials Company plant. Also, a mitigation measure, Mitigation Measure 7-17 described and set forth in the Air Quality Section, has been formulated specifying the use of air filtration systems within 500 feet of the

I-15 Freeway right-of-way, Cemex USA quarry, and/or Vulcan Materials Company plant.

- Implementation of the recommended mitigation measures would reduce potentially significant impacts to a less-than-significant level.

5.11.4 <u>Hazards and Hazardous Materials Impact 11-4</u>: An overhead lattice transmission tower, associated with SCE's Lugo-Mira Loma 500-kV Transmission Line, could fail or collapse as a result of wind, fatigue, liquefaction of the underlying materials, fire, or other causes.

<u>Finding</u>: The City Council hereby makes Finding (1) and determines that this potential impact is less than significant by implementation of project design features and/or compliance with existing laws and regulations, and therefore no mitigation measures are required or recommended.

<u>Facts in Support of Finding</u>: The following facts are presented in support of this finding:

- Project-related and cumulative hazards and hazardous material impacts are addressed in Section 4.11 (Hazards and Hazardous Materials) and in Appendix III-L (Phase 1 Environmental Site Assessment) in the original FEIR and that analysis is incorporated by reference herein.
- Existing overhead steel lattice transmission towers, associated with SCE's Lugo-Mira Loma 500-kV transmission line, currently traverse the Project site. Industry experience has demonstrated that under earthquake conditions, structure and member vibrations generally do not occur or cause design problems.
- Brush clearance requirements must be maintained in accordance with Section 304.4.3.1 (Trimming Clearance) in Chapter 15.28 (Fire Code) in Title 15 (Building and Construction) of the City Municipal Code.
- CPUC design guidelines and other applicable requirements provide detailed engineering standards designed to prevent impacts to those towers from wind, earthquake, and fire. Transmission support structures are designed to withstand different combinations of loading conditions, including extreme winds. Overhead transmission lines are designed for dynamic loading under variable wind conditions that generally exceed earthquake loads. These design requirements include use of safety factors that consider the type of loading as well as the type of materials use and the tension of the wire between adjoining towers. As a result, the failure of transmission line support structures is extremely rare.
- Failure of the transmission tower at its base or of its anchorage to the foundation would create a hemispherical hazard zone with a radius approximately equal to the tower height. The resulting hazard zone (fall zone) associated with transmission towers can thus be defined as an area extending the height of the lattice tower, as measured outward from its centerline. Persons and property within that hazard zone could be at risk of being struck by the falling tower or electrocuted by an active high-voltage line should it not de-energized upon the tower's failure.
- Typically, the width of the SCE right-of-way is, at minimum, equal to twice the height of the lattice tower, such that, in the event of a tower collapse, the arc of the tower's dissent would be confined to the existing easement. As such, unless a joint use of the SCE right-of-way were to be authorized, neither the public nor privately owned structures would not be placed at risk in the event of a structural

failure of the steel towers. Any joint use of the SCE easement would, however, be dependent upon formal CPUC authorization.

- Since none of the recommended threshold criteria would be exceeded, the identified impact would be less than significant and no mitigation measures are recommended or required.

5.11.5 <u>Hazards and Hazardous Materials Impact 11-5</u>: The failure of an existing natural gas transmission line or liquid petroleum pipeline could result in the discharge of hazardous and/or flammable materials that could prove hazardous to people and property located in proximity to a pipeline rupture or leak.

<u>Finding</u>: The City Council hereby makes Finding (1).

<u>Facts in Support of Finding</u>: The following facts are presented in support of this finding:

- Project-related and cumulative hazards and hazardous material impacts are addressed in Section 4.11 (Hazards and Hazardous Materials) and in Appendix III-L (Phase 1 Environmental Site Assessment) in the original FEIR and that analysis is incorporated by reference herein.
- The major hazards associated with products transported by pipelines are flammability and toxicity. Natural gas and liquid fuel products are flammable and can result in fire or explosions under certain conditions. A pipeline failure can result in a release with an un-ignited dispersion of gas or liquid vapors or a fire or an explosion that harms persons within an impact zone defined by harmful intensity levels of the physical effects. In general, the larger the pipeline, the higher the pressure, and the closer it is to people, the greater the potential severity of the consequences.
- With regards to liquid petroleum pipelines, a fire scenario could result from a pipeline spill and a nearby ignition source. The risk of petroleum product fire is substantial because components of refined products, such as gasoline, evaporate quickly and can form flammable vapor clouds. In the event that a pipeline accident was to result in a rupture or large leak, there is a likelihood that the product could ignite should there be a high concentration of flammable hydrocarbons released and should an ignition source be present.
- The failure of a high-pressure natural gas pipeline can lead to various outcomes, some of which can pose a significant threat to people and property in the immediate vicinity of the failure location. The dominant hazard is thermal radiation from a sustained jet or trench fire, which may be preceded by a short-lived fireball.
- Buried pipelines are vulnerable to permanent ground deformation and wave propagation (shaking). Ground deformation can include fault rupture, landslide, and liquefaction and associated lateral spreading and settlement. Pipe damage mechanisms include compression/ wrinkling, joint weld cracking/separation, bending/shear resulting from localized wrinkling, and tension. If a pipeline does fail, the consequences are dependent on its contents, diameter, and pressure of its contents.
- Prevention measures are used to control risks by reducing the likelihood of a risk event occurring. The Code of Federal Regulations (49 CFR Part 192) and other codes of practice broadly define prevention and mitigation measures for pipeline leaks. Most prevention measures are the responsibility of the pipeline operator.

Some are implemented during the design and construction of the pipeline while other prevention measures are incorporated into the day-to-day operations of the pipeline. An operator's own good practices, therefore, comprises reasonable prevention activities.

- A number of mitigation measures previously described and set forth in the Land Use Section and herein incorporated by reference (Mitigation Measure 1-2 through Mitigation Measure 1-4) have been formulated which will ensure that the siting of specific land uses occurs in recognition of the presence of those facilities and the potential hazards associated therewith. In accordance with the recommended mitigation, with the exception of open space, prior to approving any land use within the "high consequence area" the Applicant shall provide the City a copy of the pipeline integrity management plan (as prepared by the pipeline operator pursuant to 49 CFR 192.907), if available. With regards to potential school sites and multi-use areas, a mitigation measure (Mitigation Measure 1-5) has been formulated to ensure that an appropriate "school site pipeline risk analysis" is conducted in accordance with CDE requirements and methodologies.
- Implementation of the above cited measures would reduce potential hazard-related impacts to a less-than-significant level.

5.11.6 **Hazards and Hazardous Materials Impact 11-6**: Implementation of the Project, in combination with other related projects, will result in the exposure of an increasing number of individuals and property improvements to existing hazards, including increased health and safety risks associated with exposure to hazardous materials.

Finding: The City Council hereby makes Finding (1) and determines that this potential impact is less than significant by implementation of project design features and/or compliance with existing laws and regulations, and therefore no mitigation measures are required or recommended.

Facts in Support of Finding: The following facts are presented in support of this finding:

- Project-related and cumulative hazards and hazardous material impacts are addressed in Section 4.11 (Hazards and Hazardous Materials) and in Appendix III-L (Phase 1 Environmental Site Assessment) in the original FEIR and that analysis is incorporated by reference herein.
- Hazards and hazardous material impacts are generally localized (site-specific) to the area of each identified hazard and/or material. Compliance with regulatory requirements will substantially ensure that known and related Project-specific hazards are avoided or reduced to the maximum extent feasible, that workers and the general public operate in a relatively safe environment, and that hazardous materials are properly handling, transported, used, consumed, and storage during the construction and operation of the Project in combination with other related projects.
- To the same extent that the potential hazards and hazardous materials impacts attributable to the Project can be effectively mitigated to a less-than-significant level, related Project-specific actions can be formulated and instituted.
- Since none of the recommended threshold criteria would be exceeded, the identified impact would be less than significant and no mitigation measures are

recommended or required.

5.12 Cultural Resources

5.12.1 <u>Cultural Resources Impact 12-1</u>: All site disturbance activities have the potential to adversely affect cultural resources located within the area of disturbance.

<u>Finding</u>: The City Council hereby makes Finding (1).

<u>Facts in Support of Finding</u>: The following facts are presented in support of this finding:

- Project-related and cumulative cultural resources impacts are addressed in Section 4.11 (Cultural Resources) and in Appendix III-M (Phase I Cultural and Paleontological Resources) in the original FEIR and that analysis is incorporated by reference herein.
- With regards to prehistoric resources, the records search failed to indicate the presence of any recorded prehistoric resources within the study area boundaries. The results of the field assessment were also negative. Since a thorough investigation has failed to reveal the presence of any prehistoric resources within the study area, no Project-related impacts on prehistoric resources are anticipated during either Project construction or throughout the Project's operational life. In the absence of any identified resources, no mitigation is required or recommended.
- With regards to historic resources, the cultural resource assessment resulted in the identification of 22 cultural resources within or adjacent to the Project site. Of these resources, 13 were also identified on the ground during survey (i.e., four previously recorded sites and five pending resources were not relocated during survey). All of the sites identified or relocated during the field survey date to the late nineteenth to mid- twentieth centuries. Most of the sites are the remains of water control features, including ditches, weirs, and other diversion-type features. Two adjacent sites are related to electric power distribution.
- One site (SBR-6700H) has recently been removed due to safety concerns. Applying the criteria of significance for the National Register of Historic Places (NRHP), the California Register of Historic Resources (CRHR), and the State CEQA Guidelines to the remaining twelve sites, nine are recommended to be not significant. Three sites, including remains of the Fontana Union Water Company Spreading Ground (SBR-6698H and SBR-6705H) and the Fontana Power Plant (SBR-6699H), are recommended to be significant under one or more significance criteria.
- The Fontana Power Plant (SBR-6699H) has been previously recommended as eligible for NHRP listing. The site is currently outside of the Project boundaries. Development of the surrounding specific plan area will not adversely affect the potential for the building to convey its significance. With regards to SBR-6699H, no further work or mitigation is required or recommended.
- A mitigation measure (Mitigation Measure 12-1) has been formulated specifying the preparation and submittal of a NRHP nomination form for the Fontana Union Water Company Spreading Ground, incorporating SBR-6698H and SBR-6705H. It is further recommended that, prior to the issuance of any grading permits, the Applicant develop a preservation plan allowing for the retention of intact portions

of the Fontana Union Water Company Spreading Ground (Mitigation Measure 12-2). In the event that preservation is infeasible, such as through modification of open space areas to allow for in-situ preservation, intact portions of the Fontana Union Water Company Spreading Ground may be impacted during development following the preparation and recordation of a Historic American Landscape Survey (HALS), Level II (Mitigation Measure 12-3).

Mitigation Measure 12-1: Prior to the issuance of any grading permits in Neighborhoods II, III, and IV, the Applicant shall retain a qualified cultural resources consultant, meeting the United States Secretary of the Interior's Professional Qualification Standards for Archaeology or Architectural History, to prepare and submit to the City of Rialto and the California Historical Resources Information System San Bernardino Archaeological Information Center (CHRIS-SBAIC) a National Register nomination form for the Fontana Union Water Company Spreading Ground, incorporating SBR-6698H and SBR-6705H.

Mitigation Measure 12-2: The Applicant shall develop and incorporate into the Project planning a preservation plan for a representative portion(s) of the southern intact sections of SBR-6698H. The preservation plan shall be developed by a qualified archaeologist or architectural historian meeting the United States Secretary of the Interior's Professional Qualification Standards for Archaeology or Architectural History. The preservation plan shall include a detailed map of the intact portions of SBR-6698H, place those portions in perpetual open space, and present interpretive information about the site and its history accessible to the public. Interpretive information shall include, but may not be limited to, appropriate informative signage and public access. The preservation plan shall be submitted to the City and the California Office of Historic Preservation and, when deemed acceptable, shall be accepted by the Development Services Director (Director) prior to issuance of grading permits in Neighborhoods II, III, and IV.

Mitigation Measure 12-3: In the event that in-situ preservation of the Fontana Union Water Company Spreading Ground is infeasible, as an alternate to and in lieu of Mitigation Measure 12-2, intact portions of the Fontana Union Water Company Spreading Ground (as identified during preparation of the National Register nomination form) that will be directly or indirectly impacted by the Project's development shall be documented by means of a Historic American Landscape Survey (HALS) recordation, Level II. This level of documentation includes large-format archival-quality black-and-white photographs linked to a detailed site plan and a written narrative. Completion of the HALS recordation, including acceptance by the Director, shall be implemented prior to the issuance of any grading permits in Neighborhoods II, III, and IV. This documentation shall be prepared by a qualified architectural historian or historic landscape architect and a photographer experienced in Historic American Building Survey/Historic American Landscape Survey (HABS/HALS) photography. The overall landscape layout, structural elements, and features, as well as the property setting and contextual views shall be documented. Original archival prints and negatives of the photographs shall be submitted to the Library of Congress. Original archival prints shall also be submitted to the California State Archives. Archival copies of the documentation shall be distributed to the CHRIS-SBAIC and the Rialto Public Library.

- Implementation of the mitigation measures set forth above will reduce the Project's impact to less than significant.

5.12.2 **Cultural Resources Impact 12-2**: Ground disturbance activities could result in impacts to on-site paleontological resources that may potential exist in Pleistocene-age sediments.

Finding: The City Council hereby makes Finding (1).

Facts in Support of Finding: The following facts are presented in support of this finding:

- Project-related and cumulative cultural resources impacts are addressed in Section 4.11 (Cultural Resources) and in Appendix III-M (Phase I Cultural and Paleontological Resources) in the original FEIR and that analysis is incorporated by reference herein.
- Earth-moving activities associated with the Project's development could, however, result in the loss of paleontological resources from older fan deposits (Qof) of Pleistocene age located along the northeast bank of Lytle Creek, west of the I-15 Freeway. These resources include fossil remains, associated specimen data and corresponding geologic and geographic site data, and an undetermined number of fossil sites.
- Paleontological monitoring is recommended for all excavation and disturbance of Pleistocene-age sediments along the northeast bank of Lytle Creek in the southwestern portion of the Project site (Neighborhood IV). These sandy sediments have an undetermined sensitivity for paleontological resources. No paleontological work is recommended for other portions of the Project site.
- Given the potential for on-site paleontological resources, a mitigation measure (Mitigation Measure 12-4) has been formulated to identify, evaluate, and recover paleontological resources, if any, from the Project site.

  Mitigation Measure 12-4: Prior to the issuance of any grading permit in Neighborhood IV, a qualified paleontologist meeting the qualifications established by the Society of Vertebrate Paleontologists shall be retained by the Applicant and approved by the City to develop and implement a paleontological monitoring plan. The monitoring plan shall be submitted to and, when deemed acceptable, accepted by the Director. Where deemed applicable in the judgment of the Director, the monitoring plan shall be imposed as a condition to the issuance of grading permits in Neighborhood IV.

- Implementation of that measure would reduce the Project's potential impacts on paleontological resources to a less-than-significant level.

5.12.3 **Cultural Resources Impact 12-3**: Project development could impede the implementation of that segment of the Old Spanish National Historic Trail that traverses the Project site.

Finding: The City Council hereby makes Finding (1) and determines that this potential impact is less than significant by implementation of project design features and/or

compliance with existing laws and regulations, and therefore no mitigation measures are required or recommended.

Facts in Support of Finding: The following facts are presented in support of this finding:

- Project-related and cumulative cultural resources impacts are addressed in Section 4.11 (Cultural Resources) and in Appendix III-M (Phase I Cultural and Paleontological Resources) in the original FEIR and that analysis is incorporated by reference herein.
- The Old Spanish Trail, located in proximity to the Project site, is designated as a national historic trail under the National Trails System Act (Public Law 90-543) (16 U.S.C. 1241-1251).
- Sycamore Grove (State Historic Landmark No. 573, also County Historic Site 573) was the location of the first encampment of Mormon pioneers from Salt Lake City as they made their way into the San Bernardino Valley following the Old Spanish Trail. Sycamore Grove is located approximately 1/2-mile northeast of Sycamore Flat within Glen Helen Regional Park. The names "Sycamore Grove" and "Sycamore Flat" are sometimes used synonymously but incorrectly. In actuality, they represent two distinctly different locations physically separated by a small, unnamed pass (sometimes referred to as Sycamore Pass) situated at the southwest end of the Cajon Pass. The site of Sycamore Grove is recognized as a California Historic Landmark (CHL-573). Today, the area is part of the GHRP and a plaque marking the location stands near the park entrance on Glen Helen Parkway.
- In 2006, the United States Department of the Interior, Bureau of Land Management (BLM) published the "National Scenic and Historic Trails Strategy and Work Plan," providing guidance to establish a coordinated and consistent trail-focused administrative infrastructure, develop national policies to protect and sustain trail resources within BLM's multiple-use mandate, manage trail resources to enhance visitor experiences and promote "appropriate public access" and maintain and advance BLM's partnerships with trail organizations and other agencies. Neither the National Trails System Act nor the BLM work plan mandate any conservation or preservation efforts on private lands. As such, based on existing public policies, no federal, State, or local requirements now exist with regards to the National Trail System. Absence those regulations, guidelines, and standards, the Lead Agency has no prudent basis to mandate specific action by the Applicant.
- Since none of the recommended threshold criteria would be exceeded, the identified impact would be less than significant and no mitigation measures are recommended or required.

5.12.4 **Cultural Resources Impact 12-4**: Grading activities conducted on other sites located within the general Project area could result in impacts to any prehistoric, historic, and paleontological resources that may be located thereupon.

Finding: The City Council hereby makes Finding (1) and determines that this potential impact is less than significant by implementation of project design features and/or compliance with existing laws and regulations, and therefore no mitigation measures are required or recommended.

Facts in Support of Finding: The following facts are presented in support of this finding:

- Project-related and cumulative cultural resources impacts are addressed in Section 4.11 (Cultural Resources) and in Appendix III-M (Phase I Cultural and Paleontological Resources) in the original FEIR and that analysis is incorporated by reference herein.
- No significant cumulative impacts to localized or areawide cultural resources are anticipated. All related projects will themselves be subject to site-specific environmental reviews and must conform to all applicable local, State, and federal requirements relating to the identification and preservation of cultural resources. Compliance with those requirements will ensure that all Project-related and cumulative impacts upon prehistoric and historic archaeological resources and paleontological resources are mitigated to below a level of significance.
- Since none of the recommended threshold criteria would be exceeded, the identified impact would be less than significant and no mitigation measures are recommended or required.

5.13 Aesthetics

5.13.1 **Aesthetics Impact 13-1**: Construction activities, including grubbing, grading, and the construction of authorized facilities and improvements, will alter the site's existing visual character and will transform the site's visual character from that which might be generally characterized as a natural environment to that of a built environment, producing changes in landform, vegetation, water, color, lighting, adjacent scenery and through the introduction of hardscape and other cultural modifications to the existing landscape.

Finding: The City Council hereby makes Finding (1).

Facts in Support of Finding: The following facts are presented in support of this finding:

- Project-related and cumulative aesthetics impacts are addressed in Section 4.13 (Aesthetics) in the original FEIR and that analysis is incorporated by reference herein.
- The construction process is typically short-term in duration and dynamic in nature. For many projects, a distinct construction phase will precede the subsequent operation, use, and/or habitation of the facilities constructed. Once a facility reaches its life expectancy, a site may undergo redevelopment and reuse. In the context of the LCRSP, because the Project build-out will extend through 2030, the three phases (construction, operation, and redevelopment) of a site's lifecycle may all occur concurrently on the Project site and abutting properties.
- The attributes of landform, vegetation, water, color and hardscape, lighting, adjacent scenery, and cultural modification can be individually examined to establish the overall visual impression of a landscape. During construction, with regards to those attributes, the physical changes to the site's landscape character are individually addressed below.
- Landform. With the exception of Sycamore Canyon, the Project site lacks unique landform features that would provide the property with a distinct visual character. The generally flat extension of the gradually descending floodplain will remain

and grading activities will not produce any substantial alterations to the site's existing landform. The site will continue to reflect a relatively uniform grade as each neighborhood gently descends into the San Bernardino Valley. No substantial change to the landform would occur and impacts would be less than significant.

- Vegetation. From a visual quality perspective, the removal of existing on-site vegetation associated with grading operations and the change in the site's plant palette will result in a substantial change in the scenic value of those disturbed areas. During the short-term, the elimination of existing ground cover over relatively large areas of the Project site will produce a sharp visual contrast that would be perceived as disharmonious with the general undeveloped landscape character of the Project's general surroundings. Since the elimination of native vegetation would constitute a substantial visual change to the character of the Project site, the resulting visual impact would be deemed a significant, albeit short-term, impact during the construction (grubbing and grading) process.
- Water. Since the Project design results in the retention of Lytle Creek and Sycamore Creek as natural drainage courses and since a substantial portion of the Project site in proximity to those drainage features will be retained as natural open space, no substantial changes will occur to the presence and perception of on-site waters. Project construction will, therefore, not result in a significant visual impact affecting any on-site or near-site water resources.
- Color and hardscape. During construction, the presence of workers, equipment, and introduced materials will produce a substantial visual change in color and hardscape. With the paving of new streets and the erection of new buildings, impervious surfaces will begin to replace areas of natural infiltration. As such, the site's natural color palette will first diminish before flourishing with the broader palette. The transition will continue as introduced landscaping matures and residents and other site users occupy the property. These elements will enhance color and soften the hardscape.
- Lighting. During construction, since only limited sources of lighting will be added to the Project site and since that lighting will be confined to only those areas where active construction is underway, introduced construction lighting would not produce a significant visual impact.
- Adjacent scenery. As the site develops, construction activities may appear disharmonious with the visual perception of the general Project area. As development progresses and a greater proportion of the site is developed and occupied, perceptions of the site will change. At that time, the site, as well as the uses and open space areas thereupon and the general Project area itself, will be perceived as part of a more unifying and not an assemblage of disharmonious visual elements in the larger landscape. Once the community becomes established, the site will take on an urban form and character. That character is familiar to all southern California residents and the developed site will become part of the larger urban fabric.
- Cultural modifications. Project implementation will result in a significant visual change to the Project site. With the exclusion of the areas of natural open space, cultural modifications will become both the principal and the dominant visual element upon the property. Although a variety of open space areas will remain on the Project site, the property will take on a distinctively urban character. During the construction period, the resulting cultural modifications will be

perceived as disharmonious with the natural environment and will result in a significant visual change.

- In recognition of the potential aesthetic impacts attributable to the Project's construction, Mitigation Measure 13-1 through 13-5 shall be implemented.

  Mitigation Measure 13-1: The Project design shall include a detailed "freeway edge treatment" which incorporates both extensive landscaping and a 15-foot wide landscape easement adjacent to the freeway in the developed portions of Neighborhoods I and IV. Although no landscaping is proposed within the Caltrans' right-of-way, trees and shrubs selected for their height and visual appearance shall be utilized to create a landscaped edge that will serve as a visual screen separating the freeway from on-site land uses, will serve to demarcate the Project site, and will frame the development that will occur beyond. A landscape plan shall be submitted to the City and approval by the City prior to the recordation of the final "B" level subdivision map.

  Mitigation Measure 13-2: Development projects proposed in all neighborhoods shall incorporate landscape buffer areas along those major arterial highways within and abutting those neighborhoods and shall incorporate decorative wall and fence treatments and architectural details designed to enhance the visual appearance of those neighborhoods, allowing for individual identity while including unifying design elements consistent with the development standards and design guidelines set forth in the LCRSP. A landscape plan shall be submitted to the City and approved by the City prior to the recordation of each final "B" level subdivision map within all neighborhoods.

  Mitigation Measure 13-3: Where feasible, because of projected long-term water demands, landscape vegetation shall be comprised of drought tolerant and low-water consuming species that provide color and a visual softening to the hardscape structures that comprise the built environment. The landscape plan shall include a mix of such species and shall be approved by the City prior to recordation of the final "B" level subdivision map.

  Mitigation Measure 13-4: Areas that have been mass graded to accommodate later development upon which no project is immediately imminent shall be hydro-seeded or otherwise landscaped with a plant palette incorporating native vegetation and shall be routinely watered to retain a landscape cover thereupon pending the area's subsequent development. The landscape plan shall include a mix of such species appropriate for hydro-seeding and shall be approved by the City and appropriate fire departments (City and/or County) prior to the issuance of grading permits.

  Mitigation Measure 13-5: Grading within retained open space areas shall be minimized to the extent feasible. Graded open space areas within and adjacent to retained open space areas shall be revegetated with plants selected from a landscape palette emphasizing the use of native plant species.

- These mitigation measures will reduce potential visual resource compatibility conflicts to a less-than-significant level.

5.13.2 **Aesthetics Impact 13-2**: The Project site is visible from adjacent areas, including those views afforded from adjoining public roadways and from private residences. Alterations to the site's visual character during the construction process could produce changes to the available field of view from a limited number of public and private vantage points. Due to the wide field of view that is available from these areas, the Project's development would not result in substantial coverage of the existing visual environment from these vantage points.

Finding: The City Council hereby makes Finding (1) and determines that this potential impact is less than significant by implementation of project design features and/or compliance with existing laws and regulations, and therefore no mitigation measures are required or recommended.

Facts in Support of Finding: The following facts are presented in support of this finding:

- Project-related and cumulative aesthetics impacts are addressed in Section 4.13 (Aesthetics) in the original FEIR and that analysis is incorporated by reference herein.
- In 1997, the Forest Service initiates the implementation of the scenery management system (SMS), as outlined in the Forest Service's "Landscape Aesthetics: A Handbook for Scenery Management." The SMS is a tool for integrating the benefits, values, desires, and preferences regarding aesthetics and scenery for all levels of land management planning. SMS is used to classify, plan, manage, and monitor visual changes either over time, whether as a result of planned change or due to catastrophic events such as a wildfire. Because of the Project's proximity to NFS lands, the SMS was selected as the methodology for assessing aesthetic impacts.
- Five sensitive public viewpoints were selected for analysis. Those viewpoints represent Project areas seen from linear (mobile) and single-point fixed (stationary) public vantage points. The selected public viewpoints were neither the "best" nor the "worst" views but were representative of the existing visual environment for the Project.
  - (1) Sensitive Viewpoint No. 1. Sensitive Viewpoint No. 1 (Neighborhood I from Clearwater Parkway) is selected as being representative of views from Clearwater Parkway which cuts across the eastern portion of Neighborhood I. During construction, with the exception of scenic integrity, all landscape elements will remain the same as those associated with pre-Project condition. Because the viewshed's scenic attractiveness is common, since the number of observers will remain relatively small, and since these represent mobile and not static views, the change is landscape character is considered adverse but does not constitute a significant visual impact.
  - (2) Sensitive Viewpoint No. 2. From Sensitive Viewpoint No. 2 (Neighborhood IV from the I-15 Freeway), a large percentage of the individuals who see the property are motorists traveling along the I-15 Freeway. With the exception of scenic integrity, all landscape elements remain the same as the existing condition. Given that the scenic attractiveness is common, since observers view the scene for only a short duration, and since these represent mobile and not static views, the change is landscape character is considered adverse but does not constitute a significant visual impact.

(3) Sensitive Viewpoint No. 3. Individuals traveling along Riverside Avenue are provided public views of the relatively flat terrain that is Neighborhoods III. Views are generally northwest to northeast depending on the viewer's precise vantage point. Sensitive Viewpoint No. 3 (Neighborhood III from Riverside Avenue) is considered typical of existing public views from Riverside Avenue looking north and northeasterly across Neighborhood III. The sensitivity/concern level, scenic class rating, and scenic integrity would generally remain unchanged. The resulting change in landscape character, therefore, constitutes a less-than-significant visual impact.

(4) Sensitive Viewpoint No. 4. Although privately owned and operated, the El Rancho Verde Golf Course is a public, non-member course. Since the golf course is private property, existing viewsheds are not provided a protected status. However, if golf course users are assumed to have a quasi-public status, since the course is open to the public, Sensitive Viewpoint No. 4 (El Rancho Verde Golf Course) provides a view from the area of Neighborhood II of and across the golf course. As perceived from Sensitive Viewpoint No. 4, no identifiable scenic resources will be impacted during construction. Because the changes are subordinate to the dominant landscape character being observed and do not detract appreciably from views of the golf course and the perceptions of mobile and static viewers, these changes would not substantially degrade the existing visual character or quality of the site and its surroundings. The resulting change in scenic integrity is, therefore, considered adverse but constitutes a less-than-significant impact.

(5) Sensitive Viewpoint No. 5. The El Rancho Verde Golf Course is a public course located within Neighborhood I. Sensitive Viewpoint No. 5 (Neighborhood II from El Rancho Verde Royal Vista Golf Course), looking northward from the golf course boundary, is considered typical of views from the eastern border of the golf course. As perceived from Sensitive Viewpoint No. 5, no identifiable scenic resources are impacted during construction. From near the perimeter of the El Rancho Verde Golf Course, based on a northerly and easterly orientation, because the Project area is presently undeveloped, observed construction would replace the current perspective of relatively undeveloped open space with foreground views of a developed environment. From that viewpoint, although the landscape character will be altered, for most observers, those deviations will remain subordinate to the golf course itself. Because these changes do not detract appreciably from views of the golf course and the functional use or perceptions of mobile and static golf course users, the resulting changes would not substantially degrade the existing visual character or quality of the site and its surroundings. Because the viewshed already contains elements of human alteration, the resulting change in the viewshed's scenic integrity constitutes a less-than-significant impact.

- The site's scenic quality will be adversely affected during construction though such events as vegetation clearance and the temporary introduction of disharmonious cultural modifications (e.g., construction activities). Although adverse, from a construction perspective, construction-term landscape character changes will not result in a significant visual impact for any of the five sensitive viewpoints.

- Since none of the recommended threshold criteria would be exceeded, the identified impact would be less than significant and no mitigation measures are recommended or required.

5.13.3 <u>Aesthetics Impact 13-3</u>: Following the construction of individual planning areas and the Project's build-out, those areas will continue to undergo physical changes affecting the site's evolving scenic qualities.

<u>Finding</u>: The City Council hereby makes Finding (1).

<u>Facts in Support of Finding</u>: The following facts are presented in support of this finding:

- Project-related and cumulative aesthetics impacts are addressed in Section 4.13 (Aesthetics) in the original FEIR and that analysis is incorporated by reference herein.
- Once operational, changes will continue to occur within individual planning areas and throughout the Project site as homes are occupied and the human element is brought into individual neighborhoods. Once the Project starts to become functional, except through the incremental contributions associated with the build-out of individual planning areas, these ongoing operational changes will occur at a substantially slower (and less apparent) rate than evident during construction period. Changes will not be readily apparent to the casual observer.
- The attributes of landform, vegetation, water, color and hardscape, lighting, adjacent scenery, and cultural modification can be individually examined to establish the overall visual impression of a landscape. From an operational perspective, with regards to those attributes, the additional physical changes to the site's landscape character are individually addressed below.
  (1) Landform. No additional landform changes are anticipated to occur following the completion of all construction operations.
  (2) Vegetation. With regards to the Project, those retained open space areas which are located throughout the four neighborhoods serve to preserve some of the site's pre-Project visual qualities, visually and functionally link retained on-site open space areas with the natural environment beyond the Project boundaries, and provide, promote, and/or facilitate the transition between the natural and built environments. In addition, introduced landscaping can create a sense of identity to a community and can create a visual and spatial buffer between uses. Landscaped parkways and streetscapes provide the purpose of separating vehicles from receptors, creating a separate area for non-motorized mobility, and adding open space and landscape character to an urban setting.
  (3) Water. Since the Project design will not substantially disturb existing surface flows within Lytle Creek and Sycamore Creek or adversely affect groundwater recharge opportunities along Lytle Creek, no substantial changes will occur to existing water features. Project operations will not result in significant visual impacts affecting any on-site or near-site water resources.
  (4) Color and Hardscape. With completion of construction, the site's color palette will be expanded as flowers and other ornamental landscaping is added to the neighborhood entries, along major thoroughfares, within individual development projects, and in the yards and patios of those

homes that will occupy the Project site. The retention of open space areas, both undisturbed and introduced, will add color and provide a softening effect of the hard surfaces constituting the built environment. Similarly, with the introduction of new cultural modifications, the architectural elements that comprise those improvements will add color and diversity to the site. While areas that were once open space will be replaced by those hardscape structures comprising the built environment, following the completion of construction operations, the site will possess a greater diversity of color, pattern, and texture than evident in either the pre-Project or construction-term environments.

- Lighting. All new urban light sources contribute incrementally to "light pollution." The term is used to describe the overall impacts associated not only with localized but also regional sources of light and the incremental contribution that each light source has to the overall "sky-glow" effect. From an astronomical observation perspective, urban light sources reduce the ability of ground-based astronomers, as well as the general public, to observe the stars and other heavenly bodies. Each new light source adds to those impacts.
  (a) Most lighting in urban settings is of relatively low intensity. One primary exception is pole-mounting, high-intensity, outdoor sports field lighting installed in recreational areas to facilitate organized recreational activities during evening hours. Different sports and different levels of competition call for different levels of ground and aerial illumination. Lighting technology, including orientation and shielding, can ensure that no substantial levels of illumination extend beyond the boundaries of those recreational areas which the sports lighting are intended to illuminate.
  (b) Since no sports lighting is presently identified in the LCRSP, rather than examining all potential lighting options and settings, a mitigation measure (Mitigation Measure 13-6) has been formulated to minimize the intrusion of spilled lighting beyond the source of origination.
- Adjacent Scenery. As the landscaping and land uses installed and constructed on the Project site mature, any dissimilarities between the uses found on the Project site and those that exist in the general Project area will become increasingly less apparent.
  (a) With the approval by the County of the LCNPDP, urban uses now encircle the Cemex USA Lytle Creek Plant. Implementation of the Project will bring those uses into even closer proximity. If off-site quarry operations continue past the commencement of operations for authorized on-site land uses within Neighborhoods II and III, based on the operational differences between those uses, mining activities would be increasingly perceived as disharmonious with site-specific activities. Screening and other mitigating actions have been identified under other topical assessments in the original FEIR.
  (b) Adjacent scenery includes Lytle Creek. Those portions of the Project site located in proximity to active channel areas have been retained as open space. From an operational perspective, the presence and proximity of Lytle Creek does not raise additional visual impacts.

(c) Much of the on-site areas abutting the SBNF are retained as open space. The retained on-site open space presents a transitional area between the natural environment of the SBNF and the built environment within the Project site.

(d) Adjacent scenery further includes the I-15 Freeway and SCE's existing Lugo-Mira Loma 500-kV transmission line. Based on the elevated and/or vertical design features of those uses, screening opportunities are limited. From a visual impact perspective, the proximity of the I-15 Freeway and overhead transmission towers is adverse but less than significant. Prospective purchasers will be provided with disclosure documents indicating the presence of those facilities. Buyers can make an informed independent determination concerning the potential visual effects associated with proximity and elect to purchase or not purchase property based on their own independent assessment and application of their own aesthetic values.

- Cultural Modifications. The most apparent transformation will occur during the construction process. Visual impacts associated with the construction of those cultural modifications and associated physical changes will diminish during the maturation of the Project.
- In recognition of the potential aesthetic impacts attributable to the Project's operation, Mitigation Measure 13-6 has been formulated and, when implemented, will reduce potential operational aesthetic impacts to a less-than-significant level.

Mitigation Measure 13-6: Prior to the installation of any high-intensity, outdoor sports lighting within a park site and/or school facility, a detailed lighting plan shall be prepared for the illumination of active recreational areas, including a photometric analysis indicating horizontal illuminance, and submitted to and, when deemed acceptable, approved by the Development Services Director. Plans shall indicate that high-intensity, pole-mounted luminaries installed for the purpose of illuminating field and hardcourt areas include shielding louvers or baffles or contain other design features or specification, such as selecting luminaries with cut-off features, to minimize light intrusion to not more than 0.5 horizontal foot candle, as measured at the property boundary. Compliance with these standards shall not be required for adjoining public streets, school or recreational facilities, and other non-light-sensitive land uses.

5.13.4 **Aesthetics Impact 13-4**: Following the completion of construction, the Project site will remain visible from adjacent and proximal publicly-accessible areas located off the site. As site improvements are completed and occupancy, use, and habitation occurs, further physical changes could alter the site's scenic qualities as perceived from those public vantage points.

Finding: The City Council hereby makes Finding (1) and determines that this potential impact is less than significant by implementation of project design features and/or compliance with existing laws and regulations, and therefore no mitigation measures are required or recommended.

Facts in Support of Finding: The following facts are presented in support of this finding:

- Project-related and cumulative aesthetics impacts are addressed in Section 4.13 (Aesthetics) in the original FEIR and that analysis is incorporated by reference herein.
- To the extent that additional visual impacts would be produced during the operational life of the Project, those additional environmental effects, as perceived from each of the identified sensitive viewpoints, are discussed below.
  (1) Sensitive Viewpoint No. 1. While the changes to the landscape character that occurs between the pre-Project and construction-term environment would be deemed adverse but less than significant, the changes to the landscape character that occurs following the completion of construction would be deemed beneficial.
  (2) Sensitive Viewpoint No. 2. Following occupancy and use, all landscape elements will generally retain the viewshed's visual character established during the construction period. Because the scenic attractiveness is common and since mobile viewers will observe the scene for only a short duration, any further change to the visual character of this viewshed that may occur following Project construction would be less than significant.
  (3) Sensitive Viewpoint No. 3. Following occupancy, all landscape elements will generally retain the viewshed's visual character established during the construction period. Because the scenic attractiveness is common and since mobile viewers will observe the scene for only a short duration, any further change to the visual character of this viewshed that may occur following Project construction would be less than significant.
  (4) Sensitive Viewpoint No. 4. With the exception of scenic integrity, following occupancy and use, all landscape elements will generally retain the viewshed's visual character established during the construction period. As introduced landscaping matures, the viewshed's scenic integrity would improve, indicating that the visual impacts from this vantage point produced during construction would be of relatively short-term duration and that the visual character of this viewshed would generally retain its scenic integrity over time.
  (5) Sensitive Viewpoint No. 5. With the exception of scenic integrity, following occupancy and use, all landscape elements will generally retain the viewshed's visual character established during the construction period. As introduced landscaping matures, the viewshed's scenic integrity would improve, indicating that the visual impacts from this vantage point produced during construction would be of relatively short-term duration and that the visual character of this viewshed would generally retain its scenic integrity.
- Following the completion of construction and following commencement of occupancy, the Project's visual character will continue to evolve. The anticipated visual changes that may occur following construction will not result in the introduction of significant adverse aesthetic impacts.
- Since none of the recommended threshold criteria would be exceeded, the identified impact would be less than significant and no mitigation measures are recommended or required.

5.13.5 **<u>Aesthetics Impact 13-5</u>**: A number of residential and institutionally-designated areas within Neighborhoods II, III, and IV will abut operating industrial-types uses, including the Cemex USA quarry, SCE transmission lines, and Monier Lifetile. The occupants of

those properties may perceive those uses as visually incompatible with the aesthetic character of those residential and institutional uses.

Finding: The City Council hereby makes Finding (1) and determines that this potential impact is less than significant by implementation of project design features and/or compliance with existing laws and regulations, and therefore no mitigation measures are required or recommended.

Facts in Support of Finding: The following facts are presented in support of this finding:

- Project-related and cumulative aesthetics impacts are addressed in Section 4.13 (Aesthetics) in the original FEIR and that analysis is incorporated by reference herein.
- A portion of Neighborhoods II and III abut the Cemex USA quarry. Abutting properties will or may have unimpeded views of active mining areas and equipment staging areas.
  (1) The two neighborhoods abutting the Cemex USA Lytle Creek Plant are designed to have perimeter fencing and walls of at least six feet in height to provide visual separation from those uses. The Project also proposes construction of a levee along the banks of Lytle Creek which lines at the northeastern edge of both Neighborhoods II and III. The proposed levee provides a physical and visual buffer of certain Cemex USA operations.
  (2) A mitigation measure (Mitigation Measure 1-6) has been formulated which specifies that prior to the approval of any tentative "B" level tentative subdivision map (excluding any "A" level subdivision map for financing purposes only) allowing for residential development or other sensitive land uses on lands abutting active mining areas, the Applicant shall delineate on the plan or map a buffer zone from the edge of those active mining areas and shall incorporate within that buffer zone solid fencing, with a minimum height of not less than six feet above finish grade, and landscaping acceptable to the City.
- SCE operates the overhead Lugo-Mira Loma 500-kV transmission line within an approximately 150-foot to 355-foot wide right-of-way extending across Neighborhoods III and IV. Occupants of the residential parcels abutting that easement will have views of the transmission towers, transmission lines, and SCE easement.
- Since none of the recommended threshold criteria would be exceeded, the identified impact would be less than significant and no mitigation measures are recommended or required.

5.13.6 **Aesthetics Impact 13-6**: The southern California area is rapidly undergoing change. As development continues to occur both within the County and throughout the region, the visual character of the general Project area and the region itself will increasingly become more urbanized.

Finding: The City Council hereby makes Finding (1) and determines that this potential impact is less than significant by implementation of project design features and/or compliance with existing laws and regulations, and therefore no mitigation measures are required or recommended.

Facts in Support of Finding: The following facts are presented in support of this finding:

- Project-related and cumulative aesthetics impacts are addressed in Section 4.13 (Aesthetics) in the original FEIR and that analysis is incorporated by reference herein.
- Since cumulative impacts must be examined in a broader context than otherwise available at a site-specific level, the visual impacts of those activities must be viewed in that same regional context. As a result, the diminution in the regional inventory of available vacant and natural lands constitutes the continuation of historic development patterns and not a substantial departure therefrom.
- Municipalities formulate long-range planning documents with the intent of directing development activities to those areas deemed by those municipalities to be most conducive to growth based on a variety of factors (e.g., infrastructure available, minimization of environmental effects), including locally-established environmental values. Formal planning and environmental review processes are already in place to address individual development proposal seeking to either implement or modify some aspect of those long-range plans. When new development and redevelopment has the potential to impact identified scenic areas, those planning and environmental review processes incorporates locally-determined assessment of the impacts of those activities on those visual resources.
- No development is authorized to occur in the absence of compliance with agency plans and policies. Demonstrated compliance with and conformity to the plans and policies outlined in the long-range planning documents of those agencies serves to mitigate the potential Project-related impacts produced by the visual changes to existing landscapes associated with those development activities.
- Since none of the recommended threshold criteria would be exceeded, the identified impact would be less than significant and no mitigation measures are recommended or required.

5.14 Energy Resources

5.14.1 **Energy Resources Impact 14-1**: Construction activities will result in the consumption of petroleum products by gasoline and diesel-powered equipment and electricity for the operation of electric-powered equipment.

Finding: The City Council hereby makes Finding (1).

Facts in Support of Finding: The following facts are presented in support of this finding:

- Project-related and cumulative aesthetics impacts are addressed in Section 4.14 (Energy Resources) in the original FEIR and that analysis is incorporated by reference herein.
- Energy, primarily in the form of petroleum products and electricity, will be consumed during the construction of infrastructure systems and individual development projects associated with the LCRSP. Fuel, primarily gasoline and diesel fuel, would be needed for and consumed by vehicles and construction equipment, including electrical generators. Since construction is, by its nature, short-term in duration, these temporary activities will neither result in excessive consumption nor produce long-term energy demands.

- The CARB has imposed limitation requiring that commercial diesel-fueled vehicles restrict idling to five minutes or less (13 CCR 1956.8). While these requirements are designed to reduce emissions, restrictions on idling will also serve to reduce fuel consumption. In addition, Mitigation Measure 7-4, set forth in the Air Quality Section above and herein incorporated by reference, has been formulated stipulating that construction contactors use line power instead of diesel- or gas-powered generators at all construction sites where ever line power is reasonably available.
- Since none of the recommended threshold criteria would be exceeded, the identified impact would be less than significant and no additional mitigation measures are recommended or required.

5.14.2 **Energy Resources Impact 14-2**: At Project build-out, on-site land uses are projected to consume approximately 55.47 megawatt hours of electricity per year (mWh/year).

Finding: The City Council hereby makes Finding (1) and determines that this potential impact is less than significant by implementation of project design features and/or compliance with existing laws and regulations, and therefore no mitigation measures are required or recommended.

Facts in Support of Finding: The following facts are presented in support of this finding:

- Project-related and cumulative aesthetics impacts are addressed in Section 4.14 (Energy Resources) in the original FEIR and that analysis is incorporated by reference herein.
- Electrical service must be provided to the proposed land uses in accordance with SCE policies and extension rules on file with the CPUC at the time contractual agreements are made. Detailed information, including subdivision maps and plot plans, shall be made available to SCE as they become available in order to facilitate engineering, design, and construction of improvements necessary to provide utility services to the Project site.
- Implementation of the Project would result in an increase in demand for electricity. The Project is projected to increase the consumption of electricity, generated off the Project site at existing power plants, by approximately 55,465,145 kWh/year (55.47 mWh/year) of electricity.
- Although the Project will result in the off-site generation of electricity, Project-related electrical consumption would neither be expected to be wasteful nor inefficient. In order to reduce electrical demands, the LCRSP includes a number of energy-efficiency measures relating, either directly or indirectly, to electrical consumption. Those measures include passive design strategies, use of high-performance windows (such as “Low-E” or Energy Star windows), installation of high-efficiency lighting systems with advanced lighting controls, and use of high-solar reflective roofing materials in commercial applications. In addition, the Applicant shall comply with guidelines provided by the SCE with regards to the establishment of new utility easements, easement restrictions, construction guidelines, and potential amendments to rights-of-way in the areas of any existing easement.
- Since none of the recommended threshold criteria would be exceeded, the identified impact would be less than significant and no mitigation measures are recommended or required.

5.14.3 **Energy Resources Impact 14-3**: At Project build-out, on-site land uses are projected to consume about 228,736 million British thermal units (MBtu) of natural gas per year.

Finding: The City Council hereby makes Finding (1) and determines that this potential impact is less than significant by implementation of project design features and/or compliance with existing laws and regulations, and therefore no mitigation measures are required or recommended.

Facts in Support of Finding: The following facts are presented in support of this finding:

- Project-related and cumulative aesthetics impacts are addressed in Section 4.14 (Energy Resources) in the original FEIR and that analysis is incorporated by reference herein.
- Natural gas service must be provided to the proposed land uses in accordance with SoCalGas policies and extension rules on file with the CPUC at the time contractual agreements are made. Detailed information, including subdivision maps and plot plans, shall be made available to SoCalGas as they become available in order to facilitate engineering, design, and construction of improvements necessary to provide utility services to the Project site.
- Implementation of the Project would result in increased natural gas demand. The Project is projected to increase the consumption of natural gas, including off-site consumption associated with the generation of electricity and on-site consumption for space heating, by approximately 228,736 million British thermal units of natural gas per year.
- Although the Project will result in the on-site consumption of natural gas, Project-related natural gas consumption would neither be expected to be wasteful nor inefficient. In order to reduce natural gas demands, the LCRSP includes a number of energy-efficiency measures relating, either directly or indirectly, to natural gas consumption. Those measures include passive design strategies, use of energy-efficient heating and cooling system in conjunction with thermally efficient building shells, utilization of light colors for roofing and wall finish materials, installation of high R-value wall and ceiling insulation. The Applicant shall comply with guidelines provided by the SGC with regards to the establishment of new utility easements, easement restrictions, construction guidelines, and potential amendments to rights-of-way in the areas of any existing easement.
- The projected additional demand on natural gas supplies and distribution infrastructure is within the service capabilities of SoCalGas.
- Since none of the recommended threshold criteria would be exceeded, the identified impact would be less than significant and no mitigation measures are recommended or required.

5.14.4 **Energy Resources Impact 14-4**: Although the Project will generate a total of 91,513 total trip ends, a number of those trips which stop at the Project site are already on the street network. Based on a production trip analysis, Project implementation will result in an estimated 47,545 new regional trips, adding 498,387 added vehicle miles traveled and resulting in the annual average estimated consumption of approximately 21,754 gallons of gasoline daily.

Finding: The City Council hereby makes Finding (1) and determines that this potential impact is less than significant by implementation of project design features and/or compliance with existing laws and regulations, and therefore no mitigation measures are required or recommended.

Facts in Support of Finding: The following facts are presented in support of this finding:

- Project-related and cumulative aesthetics impacts are addressed in Section 4.14 (Energy Resources) in the original FEIR and that analysis is incorporated by reference herein.
- With regards to vehicle trips, two separate analyses have been performed. As part of the traffic impact analysis, the total number of vehicle trips (VT) assignable to all land uses was calculated. As part of the assessment of GHG impacts, the Lead Agency calculated the number of VT that would be added on a broader basis as a result of the Project's implementation. That latter number of VT was used to calculate VMT and calculate fuel consumption. The Project is projected to add about 47,545 VTs which would add about 498,387 VMT to the region and 181,911,255 annual VTM.
- Based on California Energy Commission (CEC) projections, since a number of variables can influence average annual fuel economy at the time of Project build-out, the lowest estimated on-road fuel economy was assumed (22.91 miles per gallon). Assuming a Project-related contribution of 498,387 daily VMT and 181,911,255 annual VTM, the Project's implementation will result in the consumption of about 21,754 gallons of gasoline per day and 7,940,256 gallons of gasoline per year. Of that, some portion of the projected demand would be for diesel fuel.
- The CEC has concluded that the "overall demand for transportation fuels will continue." The CEC "[s]taff expects that this growing demand will exceed likely infrastructure capacity expansions currently under construction or to which the industry is committed. Numerous uncertainties can affect these estimates of future import infrastructure needs, including changes in fuel prices, rates of adoption of new technologies and alternative fuels, demand for fuels in California and neighboring states, decline rates of oil production in California, refinery and other infrastructure capacity expansions, and greenhouse gas reduction rules and standards. However, this potential capacity shortfall leads staff to conclude that certain specific kinds of infrastructure capacity expansions must occur to prevent substantial economic losses to State consumers."
- Certain aspects of the project design (e.g., the inclusion of residential and non-residential development and non-motorized trail system) have the potential to reduce VMT. In addition, a number of mitigation measures have been formulated to promote further reductions in VMT, including enhanced bicycle and pedestrian linkages (Mitigation Measure 7-11) and park-and-ride/park-and-pool facilities (Mitigation Measure 7-13), and to eliminate potential impedance (Mitigation Measure 1-4) to the operation or expansion of existing on-site infrastructure allowing the importation of petroleum products (e.g., CalNev interstate pipeline) to regional markets. These mitigation measures were previously set forth in these Findings and are hereby incorporated by reference.
- Since none of the recommended threshold criteria would be exceeded, the identified impact would be less than significant and no additional mitigation measures are recommended or required.

5.14.5 <u>Energy Resources Impact 14-5</u>: Additional areawide development will increase existing demands for electricity, natural gas, and petroleum products.

<u>Finding</u>: The City Council hereby makes Finding (1) and determines that this potential impact is less than significant by implementation of project design features and/or compliance with existing laws and regulations, and therefore no mitigation measures are required or recommended.

<u>Facts in Support of Finding</u>: The following facts are presented in support of this finding:

- Project-related and cumulative aesthetics impacts are addressed in Section 4.14 (Energy Resources) in the original FEIR and that analysis is incorporated by reference herein.
- The general Project area is located within the individual service areas of the SCE and SoCalGas. In accordance with CPUC regulations, SCE and SoCalGas are required to provide electrical and natural gas service to existing and proposed developments within their respective service areas. Both SCE and SoCalGas have the ability and capacity to meet the electric and natural gas service demands attributable to both the proposed and other related projects.
- Increased mandatory conservation efforts, including energy efficiency requirements under Title 24 of the CCR, will reduce cumulative energy demands to the maximum extent feasible.
- Since none of the recommended threshold criteria would be exceeded, the identified impact would be less than significant and no mitigation measures are recommended or required.

5.15 Growth Inducement

5.15.1 <u>Growth Inducement Impact 15-2</u>: Project implementation will increase the City's population and add new employment opportunities within the City. At build-out, an estimated 32,720 individuals may reside on the Project site. Excluding on-site schools, recreational facilities, and any indirect or induced jobs, proposed non-residential development may result in an estimated 3,398 permanent jobs. Localized increases in population and employment, including the infrastructure proposed to support Project development, could contribute to growth beyond the Project boundaries.

<u>Finding</u>: The City Council hereby makes Finding (1) and determines that this potential impact is less than significant by implementation of project design features and/or compliance with existing laws and regulations, and therefore no mitigation measures are required or recommended.

<u>Facts in Support of Finding</u>: The following facts are presented in support of this finding:

- Project-related and cumulative aesthetics impacts are addressed in Section 5.0 (Growth Inducement) in the original FEIR and that analysis is incorporated by reference herein.
- The evaluation of whether the Project has the potential to produce growth-inducing effects focuses on assessing whether the project will: (1) produce a potential for individuals to in-migrate to the project area in response to project-

related employment and housing opportunities; (2) result in an increased localized demand for goods and services at levels sufficient to induce additional commercial development beyond that readily available in the general project area; (3) result in the removal of economic, physical, and political obstacles and constraints to development; and/or (4) facilitate other peripheral development through the extension of facilities, services, or infrastructure to areas presently absent or underserved by those services or systems. Each of those factors is separately addressed below.

- In-migration in response to employment and housing opportunities. The workforce required for the Project's construction can be drawn from the available local labor pool. As a result, no substantial in-migration of workers from outlying areas is expected. Commercial uses proposed on the Project site are intended primarily to be neighborhood serving, designed to accommodate the retail and service-oriented needs of the immediate service area. Since commercial development does not typically predate demand for commercial services but responds to an existing identified demand, proposed on-site employment opportunities (independent of the square footage) are not anticipated to produce a significant growth-inducing impact. In addition, the projected 20-year areawide demand for new housing exceeds the projected supply of new residential dwellings. As such, the proposed residential development serves to respond to an identified housing demand rather than creating a separate demand.
- Localized demand for goods and services. With regards to employment, construction workers over the course of the Project may impose demands on local businesses, such as nearby restaurants. Those localized demands will cease upon completion of construction activities. A wide range of businesses now exist and are expected to expand over the next 20 years near the Project site. Construction-term demands on those businesses are not anticipated to be so substantial as to warrant business expansion based solely on Project-related activities. Since construction jobs are short-term in duration, even though the Project's construction will be phased over 20 years, those jobs are generally not of the types that predicate substantial increases in the localized demand for goods and services. With regards to long-term employment, recent increases in unemployment statistics indicate that those direct and indirect (induced) jobs generated during the Project's construction can be adequately accommodated by the existing regional workforce. The incremental contribution on localized, regional, and national employment opportunities associated with the proposed housing construction would not create additional significant secondary impacts.
- Removal of economic, physical, and political constraints. Since at least 1992, the City General Plan has assumed that the Project site would be the subject of a specific plan. Although the level of development now proposed would be inconsistent with the City General Plan and City Municipal Code, development would not be allowed to proceed absent a substantial modification to those policy documents. Since development could not occur absent those amendments, as subsequently modified, no conflicts with any applicable land use plan, policy, or regulation would be anticipated to occur.
- Facilitate other peripheral development. Each of the Project's four neighborhoods is separately addressed below.
    (a) With regards to Neighborhood I, currently, the main infrastructure required to service Neighborhood I already exists within the neighborhood's boundaries. These facilities, constructed in 2006 as part of the LCNPD,

include backbone street facilities, sewer and water facilities, storm drain systems, power, telephone, and cable television. In order to accommodate the proposed development, these existing facilities will need to be extended and tied together, looping the services from the west side to the east side of the I-15 Freeway within the improved street section of Glen Helen Parkway. Additionally, the WVWD needs to complete the off-site construction of Reservoir 8-3 in order to provide the appropriate water pressure to service this neighborhood. Since all infrastructure improvements are designed to be Project specific, the construction of those improvements is not anticipated to facilitate other peripheral development.

(b) Within Neighborhood II, PAs 95-103 currently have existing 100-year flood protection and would be allowed to develop upon completion of off-site infrastructure improvements by the WVWD and the City. Additional improvements include the widening of Country Club Drive at the proposed main access to the Project and upgrading the existing Sycamore Ave access at the southeasterly corner of Neighborhood II. The development of the remainder of Neighborhood II (PAs 80-94) will require that the proposed Lytle Creek levee be constructed through and along PAs 80-85, including a off-site portion extending northwesterly from PA 82 to the existing Cemex USA levee. Prior to occupancy of PAs 80-94, improvements to Riverside Avenue will be constructed between PA 89 and PA 91. Since all infrastructure improvements are designed to be Project specific, the construction of those improvements in the area of Neighborhood II are not anticipated to facilitate other peripheral development.

(c) The development of Neighborhood III is expected to be done in multiple phases moving from the southerly boundary northerly to the I-15 Freeway. It is expected that the main infrastructure will be constructed in phases to service each phase as development moves northerly. There are, however, two exceptions to the phased development of infrastructure for this neighborhood.

  (i) The first exception is that the Lytle Creek levee, extending from the Cemex USA levee at the easterly corner of PA 62, needs to be constructed northwesterly to the point of intersection with Glen Helen Parkway north of the I-15 Freeway prior to occupancy of PAs 29-41, 44-46, 50-58, and 60-63. Portions of PAs 59, 62, and 64, and all of PAs 42, 43, 47-49, and 65-78 fall behind the existing USACE groins (offering 100-year flood protection and allowing for phased development).

  (ii) The second exception is the realignment of Riverside Avenue along PAs 33 and 34. With the exception of improvements to Riverside Avenue, since all infrastructure improvements are designed to be Project specific, the construction of those improvements in the area of Neighborhood III are not anticipated to facilitate other peripheral development.

(d) The development of Neighborhood IV requires the extension of the proposed Lytle Creek levee from its Neighborhood III termination point (at Glen Helen Parkway) to the intersection of the northwesterly boundary of Neighborhood IV with Lytle Creek Road and the extension of the sewer main from its termination point within Neighborhood III. All other

infrastructure required for development currently exists adjacent to the neighborhood boundary. Since all infrastructure improvements are designed to be Project specific, the construction of those improvements in the area of Neighborhood IV are not anticipated to facilitate other peripheral development.

- Since none of the recommended threshold criteria would be exceeded, the identified impact would be less than significant and no mitigation measures are recommended or required.

6.0 FINDINGS REGARDING PROJECT ALTERNATIVES NOT SELECTED FOR IMPLEMENTATION

As required by CEQA Guidelines Section 15126.6, the Complete FEIR described a range of reasonable and potentially feasible alternatives to the Project which would feasibly attain most of the basic objectives of the Project but would avoid or substantially lessen any of the significant effects of the Project, and evaluated the comparative merits of the alternatives in the EIR.

The Complete FEIR considered six alternatives to the Project as follows:

(1) **No Project/No Development:** This alternative is required to be considered under the State CEQA Guidelines for the purpose of allowing the decisionmakers to compare the impacts of approving the Project with the impacts of not approving the Project. The "no project/no development" alternative analyzes the environmental impacts of not building or implementing the Project and maintaining the existing environmental conditions.

(2) **No Project/ Existing Zoning Designations:** A variant of the "no project" alternative required by the CEQA Guidelines is a consideration of what could reasonably be expected to occur in the foreseeable future if the Project were not approved, and if existing plans or policies that currently regulate or govern the Project site were to continue. This analysis compares the impacts of the Project with what could occur under existing land use regulations.

(3) **Habitat Avoidance Alternative 1 (Avoidance of SBKR/LBV-Occupied Habitat or "HAA 1"):** The objective of this alternative is to avoid or substantially reduce significant Project-related impacts affecting on-site biological resources, specifically San Bernardino kangaroo rat (SBKR) and least Bell's vireo (LBV) habitat. Both species are federally-listed endangered species.

(4) **Habitat Avoidance Alternative 2 (Avoidance of RAFSS Areas or "HAA 2"):** This alternative considered the environmental impacts of avoiding or substantially reducing significant Project-related impacts affecting Riversidean alluvial fan sage scrub (RAFSS) areas located on the Project site. RAFSS is considered a sensitive natural community.

(5) **Habitat Avoidance Alternative 3 (Avoidance of Jurisdictional Waters or "HAA 3"):** This alternative seeks to avoid or substantially reduce significant Project-related impacts affecting on-site waters of the United States under the jurisdiction of the U.S. Army

Corps of Engineers and waters of the State under the jurisdiction of the California Department of Fish and Game.

(6) **Reduced Residential/Increased Commercial Alternative:** The objective of this alternative is to analyze a development scenario under which the number of vehicle trips, vehicle miles traveled, and traffic congestion could be reduced through providing additional employment opportunities in the City. By consideration of an alternative that provides greater jobs-housing balance, this alternative seeks to avoid or substantially reduce significant or potentially-significant impacts associated with regional or subregional jobs-housing imbalance, including related traffic and air quality impacts.

In addition, the original DEIR also identified several other alternatives which were considered, but screened from detailed consideration in the original DEIR because they either did not meet most of the Project's stated objectives; were found to be infeasible; or failed to avoid or substantially lessen significant environmental effects of the Project. The alternatives screened from further consideration included development of the Project on an alternate site, development of the Project without annexation to the City, and alternative land uses including mining, a wind farm, outdoor recreational center, professional sports stadium, hotel and casino, theme park, resource conservation and aggregate mining.

The City recognizes that the LCRSP will result in significant unavoidable environmental impacts that cannot be feasibly reduced to below a level of significance, and in doing so, considered the alternatives identified in the original DEIR in light of the environmental impacts which cannot be avoided or substantially lessened, makes the following findings regarding each of the alternatives, and has rejected those alternatives as infeasible for the reasons hereinafter stated.

In making these findings, the City incorporates the following by reference: The analysis of the No Project/No Development Alternative presented in Section 7.0 (Alternatives Analysis) in the original FEIR; Section 2.5 of the RPDEIR (Revised Alternatives Analysis for Habitat Avoidance Alternative 1 and Habitat Avoidance Alternative 2); Appendix V-D to the RPDEIR (Air Quality and Noise Worksheets) and Appendix V-E to the RPDEIR (Financial Feasibility Analysis of the Lytle Creek Ranch Specific Plan Project and Alternatives to the Project Discussed in the Lytle Creek Ranch Specific Plan EIR); Section 3.0 (Responses to Comments) and Section 2.0 (Corrections and Additions) in the Final RPEIR; and the "Lytle Creek Specific Plan – Supplemental Alternatives Analysis" provided to the City in the June 8, 2012 Memorandum from Stephanie Eyestone-Jones of Matrix Environmental to Gina Gibson of the City of Rialto Development Services Department.

6.1 Alternative No. 1: No Project/No Development Alternative

Alternative Description: A "no project" alternative is required under CEQA. As specified in the State CEQA Guidelines, "the 'no project' alternative is the circumstance under which the project does not proceed. Here the discussion would compare the environmental effects of the property remaining in its existing state against environmental effects which would occur if the project is approved" (14 CCR 15126.6[e][3][B]).

Under this alternative, no physical changes to the Project site would occur, no improvements to the site would be authorized, and no change in organization (e.g., annexation) would be pursued. Those uses now being conducted (e.g., Monier Lifetile and El Rancho Verde Golf Course), those utility rights-of-way now being utilized (e.g.,

SCE, SoCalGas, and CalNev), and those functions now being performed (e.g., groundwater recharge and biological resource conservation) would continue at their existing levels. For the purpose of this analysis, it is assumed that those land-use entitlements governing portions of the Project site, including those existing entitlements associated with the adopted County-approved GHSP and LCNPD (Neighborhood I) and City-approved ERVSP (Neighborhood II), would not be acted upon in any fashion that would produce a physical change to the subject property. No landform alterations would occur and no on-site vegetation would be impacted, except in the course of reasonable and routine maintenance (weed abatement) activities conducted in compliance with City and County fire department directives. Those portions of the Project site not presently located within the City's corporate boundaries would not be annexed. Under this alternative, no new land uses, additional areas of physical disturbance, Applicant-funded infrastructure improvements, new residential dwellings, additional non-residential square footage, and/or additional vehicle trips would predictably occur within and from the Project site. Operational activities associated with existing land uses could, however, expand or contrast based on market demands for and the successful continued operation of those uses.

Comparison of the Effects of the Alternative to the Significant Effects of the Project: This alternative would result in the avoidance of those significant Project-related and cumulative air quality, noise, and growth-inducing impacts associated with the adoption and implementation of the Project.

Under this alternative, no construction activities would occur on the Project site and no further intensification of the subject property would be authorized. As a result, there would be no increase in either construction-term or operational air emissions above existing baseline levels. Under this alternative, traffic volumes along Country Club Drive (north of Riverside Avenue) would not be expected to substantially increase since the El Rancho Verde Golf Course would not undergo improvement and the residential development in Neighborhood II would not occur. Because traffic along Country Club Drive would not materially increase, traffic noise affecting abutting residential properties would generally remain at current levels. Similarly, although traffic volumes along Riverside Avenue (between Alder Avenue and Locust Avenue) would increase as a result of related Project traffic and ambient growth, that increase would be substantially less than would be expected to occur should the LCRSP be approved. Under this alternative, no jurisdictional changes and no changes to those existing land-use policies that regulate the development of the Project site would occur. Similarly, no new infrastructure systems would be constructed and no existing infrastructure systems would be improved which would serve the Project site or have the potential to serve other outlying areas. As a result, under the "no project/no development" alternative, growth-inducing impacts would be avoided.

Effectiveness in Meeting Project Objectives: Because the Project site would generally remain in its current condition, the "no project/no development" alternative generally fails to meet the Lead Agency's broad-based objectives of promoting the annexation of those lands located within the City's adopted SOI, encouraging development that is responsive to and addresses identifiable local and regional needs, creating economic opportunities for City residents, and furthering the advancement of the City General Plan. A limited number of City General Plan-based and other objectives may still be satisfied, such as reducing adverse impacts to public services (LA-7).

The “no project/no development” alternative would not meet any of the Applicant’s objectives as it would not provide for development of any uses and would therefore not implement the objectives associated with development of a new northern gateway to the City and establishment of a new master-planned community in the City that provides a mix of residential, commercial, recreation and open space uses. The “no project/no development” alternative would also not implement any of the habitat conservation or protection objectives of the Project.

Based on these factors, the City Council finds that this alternative would not meet most of the Lead Agency's key objectives, and that this alternative is undesirable from a policy standpoint as it would not sufficiently support the City’s interest in promoting several important objectives and policies.

Additional Environmental Impacts Resulting from the Selection of this Alternative: Should the “no project/no development” alternative be selected, no additional housing units would be provided and no new job opportunities would be created on the Project site. If an incremental contribution toward the fulfillment of those identified regional and localized housing and employment demands cannot be provided on the subject property, it is reasonable to assume that additional development pressures for the provision of that housing and the creation of those new jobs would be placed on other properties located throughout the City and within proximal unincorporated County areas. In addition, this alternative would not contribute toward the efforts to fulfill the City General Plan (Housing Element) obligations to provide its “fair share” of housing and would shift the provision of housing elsewhere within the region and would produce corresponding impacts on population and employment. This alternative would also have land-use impacts in that it would conflict with the City General Plan (Land Use Element) which designates the Project site for development pursuant to a specific plan. While this alternative would not result in any direct impacts to existing biological resources on the Project site, it could have greater indirect impacts as the proposed conservation measures that would be implemented to protect sensitive habitat areas and resources would not occur and the introduction of additional residents in the general vicinity could result in additional human intrusion into those on-site areas proposed for resource conservation. No additional flood protection measures would be provided which could lead to continued erosion and flood hazards and less protection to existing development from these hazards.

Conclusion: While for the short-term this alternative is technically “feasible” in that the property could remain in its current condition, it is unrealistic to assume that privately-owned property would remain permanently undeveloped. This is even more so given the designation in the City’s General Plan that this area is considered appropriate for annexation and development under a comprehensive specific plan. Therefore, it is reasonable to assume that some level of development and economic use of the Project site would be pursued over the long-term. Therefore, the “no project/no development” alternative would ultimately be infeasible in that it could not be accomplished over time because it is logical from an economic perspective that a private landowner would seek some economic use of the property, and from a political and social perspective that the City would seek some form of implementation of its General Plan land use objectives for this property. For these reasons, the City Council finds that this alternative is infeasible and rejects it in favor of the Project.

6.2 Alternative No. 2: No Project/Existing Zoning Designations Alternative

Alternative Description: As specified in the State CEQA Guidelines: "When the project is the revision of an existing land use or regulatory plan, policy or ongoing operation, the 'no project' alternative will be the continuation of the existing plan, policy or operation into the future" (14 CCR 15126.6[e][3][A]). This "no project/existing zoning designations" alternative constitutes a variation of the "no project" scenario and examines the potential changes to the Project site that would be anticipated to occur in the event that the Lead Agency were to either deny or take no action with regards to the LCRSP but development were to nonetheless occur in accordance with those existing City and County zoning designations, as applicable, including those land use entitlements previously approved within portions of the Project under the Glen Helen Specific Plan (GHSP), Lytle Creek North Planned Development (LCNPD), and El Rancho Verde Specific Plan (ERVSP). Although existing zoning ordinances do not constitute actual entitlements allowing the underlying property owner to proceed with development in accordance therewith, zoning policies can be interpreted as indicative of the nature of the land uses and development intensities that the municipality with jurisdiction over those lands seeks to promote. Development consistent with those land-use designations and intensities could likely proceed merely through the approval of subdivision maps. Approval of a tentative subdivision map constitutes a discretionary action subject to CEQA.

With regard to the subject property, other than those uses now operating thereupon and with the possible exception of that portion of the LCNPD (Tract 15900) which will be carved out of Rosena Ranch and be included in the proposed LCRSP, no vested rights to any definitive use(s) have been established since no development agreements have been executed, no vesting maps have been recorded, no building permits have been issued, and no construction activities are underway. As used herein, "existing zoning designations" are not intended to describe established vested development rights but serve to present a general description of those land uses that might predictably occur on the subject property based on the existing designations and current development standards outlined in applicable City and County zoning ordinance provisions.

Independent of the LCRSP, the City and the County have previously adopted "general," "specific," and/or "planned development" plans governing the future development of portions of the subject property. Those entitlements include, but are not limited to, the County-approved Glen Helen Specific Plan (GHSP) and Lytle Creek North Planned Development (LCNPD) (Tract 15900) (governing portions of Neighborhood I) and the City-approved ERVSP (governing portions of Neighborhood II). Additionally, those portions of the Project site located outside the boundaries of the GHSP, LCNPD, and El Rancho Verde Specific Plan (ERVSP) contain general plan and zoning designations promoting the development of residential and non-residential uses thereupon. Although constituting a variation of a "no project" alternative, those municipal land-use policies provide the basis for determining an alternative development-related use of the Project site.

Under the proposed LCRSP, an approximately 278-acre portion of the GHSP has been included within Neighborhood I. In accordance with the policies contained therein, 17 dwelling units and a maximum of 182,952 square feet of non-residential uses could be

constructed within that area. In addition, an approximately 46.0-acre portion of the LCNPD has been included within the boundaries of Neighborhood I. As indicated in the LCNPD, north of the I-15 Freeway, excluding that area comprising the west entry to the Lytle Creek North development and the landscaped buffer located to the west of that public right-of-way, planned development activities include approximately 44.5 acres of "Commercial (C)" use and 4.2 acres of "Open Space (OS)." As stipulated in the Lytle Creek North FEIR, 678,450 square feet of retail commercial use (e.g., community commercial, general/highway commercial, and/or service-oriented commercial uses) could be developed within that planned development area. In addition, a total of 147 dwelling units can be developed in lands to be withdrawn from the LCNPD located south of the I-15 Freeway. The entirety of the 221.0-acre ERVSP has been included within Neighborhood II. Pursuant to the City-approved ERVSP, subject to the approval of a tentative subdivision map, a total of 300 dwelling units can be constructed therein, the existing clubhouse could be enlarged to 19,339 square feet (3,878 square feet larger than the existing clubhouse), and certain street improvements would be authorized (e.g., widening of Peach Street at North Riverside Avenue). Under this alternative, in addition to those actions now allowable under the GHSP, LCNPD, and ERVSP, other on-site development would be anticipated to occur in such manner and at such density as may now be authorized in accordance with the City General Plan and City Municipal Code and the County General Plan and County Development Code.

Separate and apart from those organization and reorganization changes that would be required to provide needed public services, no annexation activities would occur but development would nonetheless proceed under the authority of the applicable land-use entity. Development activities (inclusive of residential and non-residential uses and new internal roadways) would be confined to an approximately 1,215.5-acre portion of the Project site. An approximately 1,231.8-acre portion of the subject property would be retained as natural or improved open space (including floodway, parklands, open space, and the existing Southern California Edison (SCE) right-of-way). Under this alternative, a total of 2,215 dwelling units and 1,097,418 square feet of commercial, office, and light industrial development would be constructed, primarily in Neighborhoods II and III.

Comparison of the Effects of the Alternative to the Effects of the Project: Substantial evidence demonstrates that this alternative would not result in the avoidance or substantial reduction of the significant Project-related and cumulative air quality and noise impacts associated with the adoption and implementation of the Project.

Air Quality Impacts of the No Project/Existing Zoning Designations Alternative

- In comparison to the Project, this alternative would represent a reduction of approximately 6,192 dwelling units and an increase of 247,998 square feet of commercial, office, light industrial, and general manufacturing uses. As with the Project, construction of this alternative would generate pollutant emissions through the use of heavy-duty construction equipment and through haul/delivery truck and construction worker trips. The overall amount of building construction would be less under this alternative compared to the Project. However, fugitive dust and pollutant emissions from grading operations would be similar on a daily basis, as the duration and not the intensity of these activities could decrease compared to the Project. Maximum daily site grading operations would still require the same amount of heavy-duty construction equipment and would result in 50 acres of disturbed area per day. However, with the reduction in overall square footage, a decrease in the use of on-site equipment and

vehicular trips proportional to the decrease in square footage would be anticipated during building construction.

- The construction emissions generated by this alternative would be incrementally less than those of the Project over the construction duration and for the unmitigated maximum daily overlapping period. As with the Project, Mitigation Measure 7-1 through Mitigation Measure 7-9 would be implemented for this alternative to ensure that construction-related emissions are reduced to the maximum extent feasible. With implementation of the recommended mitigation measures and consistent with the Project, unmitigated daily emissions of CO, NO_X, PM_{10}, $PM_{2.5}$, and VOC from heavy-duty construction equipment would be reduced by a minimum of 5 percent. Although such impacts would be reduced, similar to the Project, this alternative would exceed the significance thresholds established by the Southern California Air Quality Management District (SCAQMD) for regional CO, NO_X, PM_{10}, $PM_{2.5}$, and VOC. Thus, like the Project, such impacts under this alternative would be significant and unavoidable even with incorporation of mitigation measures.
- The footprint of development proposed under this alternative would largely be similar to that proposed by the Project in Neighborhood I. In Neighborhood II, III, and IV, the footprint of the development would be moved further south as compared to the Project. Proposed construction under this alternative would not change the proximity of proposed construction activities from off-site sensitive receptors (i.e., the distance from the closest sensitive receptors to proposed construction activities would not change). In addition, maximum daily site grading operations would still require the same amount of heavy-duty construction equipment and would result in 50 acres of disturbed area per day at a similar distance to sensitive receptors. As discussed above, the reduction in overall square footage under this alternative would result in proportional decrease in the use of on-site equipment during building construction in comparison the Project. Nonetheless, the dominant source of emissions is from site grading activities and the intensity of these grading activities would be similar on a daily basis.
- As with the Project, Mitigation Measure 7-1 through Mitigation Measure 7-9 would be implemented for this alternative to ensure that construction-related emissions are reduced to the maximum extent feasible. Implementation of these measures would further reduce localized PM_{10} emissions by about 15 percent (from 72.7 to 61.8 $\mu g/m^3$ for southern receptors and from 26.6 to 22.6 $\mu g/m^3$ for eastern receptors) and $PM_{2.5}$ emissions by about 14 percent (from 16.3 to 14.0 $\mu g/m^3$ at southern receptors), still exceeding the SCAQMD threshold of 10.4 $\mu g/m^3$. Thus, like the Project, impacts associated with these localized impacts under this alternative would be significant and unavoidable even with incorporation of mitigation measures. This alternative would result in similar CO and NO_2 concentrations as the Project, and impacts from such concentrations would be less than significant.
- Compared to the Project, this alternative would reduce maximum daily operational emissions by 66 percent for VOC (587 pounds per day), 63 percent for NO_X (488 pounds per day), 63 percent for CO (2,515 pounds per day), 64 percent for SO_X (21 pounds per day), 65 percent for PM_{10} (208 pounds per day), and 49 percent for PM2.5 (155 pounds per day). However, the total contributions to regional emissions under this alternative would remain significant for CO, NOX, PM_{10}, $PM_{2.5}$, and VOC, as is the case with the Project.
- From an Air Quality Management Plan (AQMP) consistency standpoint, this alternative, like the Project, would be generally consistent with the current AQMP However, localized modeling shows that site construction under this alternative would result in a substantial increase, defined as ≥10.4 $\mu g/m^3$ of PM_{10} and $PM_{2.5}$ averaged over a 24-hour period, in

construction-related particulate emissions. As such, as with the Project, this alternative would add cumulatively to an exceedance of particulate standards. Since the goal of the AQMP is to protect receptors from exceedance conditions, with regard to projected short-term particulate emissions, as with the Project, this alternative would not appear to comply with that provision of the AQMP. Thus, as with the Project, a significant and unavoidable impact would result.

Noise Impacts of the No Project/Existing Zoning Designations Alternative

- This alternative would not result in materially different construction noise impacts than those forecasted for the Project, as the construction parameters that determine noise impacts (e.g., type of equipment, number of pieces of equipment, and distance between noise source and closest sensitive receptor) would be similar. As with the Project, the nearest existing residential uses under this alternative are located along the south boundary of Neighborhood II. Other existing residential uses are located along the south side of Neighborhoods III and IV, along the south side of Riverside Avenue and Lytle Creek Road, respectively.

  As with the Project, this alternative would include individual pieces of construction equipment that would produce maximum noise levels of 76 dBA to 90 dBA at a reference distance of 50 feet from the noise source. Any location with an uninterrupted line-of-sight to the construction noise sources could periodically be exposed to temporary noise levels that would exceed 75 dBA at distance of less than 150 feet from the noise source. Consistent with the Project, construction activities associated with this alternative would be conducted in compliance with the City's Noise Ordinance and as such would result in a less than significant impact.
- Similar to the Project, vehicular traffic upon build-out would introduce new mobile noise sources and may create a higher noise exposure to residents and other sensitive receptors beyond the noise levels currently experienced or otherwise predicted in the absence of this alternative. Daily traffic volumes would be approximately 50 percent less under this alternative than forecasted to occur under the Project due to the reduction of dwelling units, even with the increase in total square footage of non-residential land uses. This reduction in traffic would occur across the local roadway network and beyond. As such, operational traffic noise impacts under this alternative would be incrementally less than under the Project.
- Increases in project-related traffic noise levels would exceed the significance threshold of 3.0 dBA CNEL at two intersections, resulting in an increase of 3.1 dBA CNEL on Riverside Avenue (between Alder Avenue and Locust Avenue) and 4.4 dBA CNEL on Country Club Drive (north of Riverside Avenue). With the 50 percent reduction in traffic, the increase in noise levels along Riverside Avenue (between Alder Avenue and Locust Avenue) would be reduced to 1.5 dBA CNEL and the increase in noise levels along Country Club Drive (north of Riverside Avenue) would be reduced to 2.9 dBA CNEL. The noise levels along Riverside Avenue (between Alder Avenue and Locust Avenue) and County Club Drive (north of Riverside Avenue) would not be considered significant under Criterion 2 (cause ambient noise levels to increase by 3 dBA CNEL or more at a sensitive receptor location and the resulting noise exceeds 65 dBA CNEL). Thus, this alternative would avoid the Project-related operational noise impacts, and impacts would be less than significant.

Growth Inducing Impacts of the No Project/Existing Zoning Designations Alternative

- This alternative assumes the development of 2,215 dwelling units and 1,097,418 square feet of commercial, office, and light industrial uses, located within approximately 1,215.5 acres of the Project site. Approximately 1,231.8 acres would be retained as natural or improved open space (including floodway, parklands, open space, and the existing SCE right-of-way). Under this alternative, no jurisdictional changes would occur (i.e., annexation of portions of the Project site into the City would not occur), and no changes to the existing land use policies that currently regulate development of the Project site would occur. Similarly, no new infrastructure systems beyond those already authorized by the applicable permitting agencies would be constructed.
- Assuming an average household size of 3.89 persons per household and a jobs rate of one new primary job for each 250 square feet of non-residential development, this alternative would generate an estimated population of 8,616 residents and employment of 4,390 primary jobs. As City, County, and regional growth forecasts are based on the land uses and densities planned in accordance with currently adopted plans and policies, this level of growth is inherently accounted for in the most recent forecasts. As such, under the No Project/Existing Zoning Designations Alternative, growth inducing impacts would be less than significant.

Financial Infeasibility: In response to the Court Ruling, an updated Financial Feasibility Analysis of the Lytle Creek Ranch Specific Plan Project and Alternatives to the Project Discussed in the Lytle Creek Ranch Specific Plan EIR was prepared by CBRE Consulting, a real estate and urban economics consulting firm, and included in the RPDEIR. This includes a detailed analysis of the financial feasibility of the Project and the No Project/Existing Zoning Designations Alternative.

- To assess the financial feasibility of the Project and the alternatives to the Project, CBRE developed a model that calculated the total development costs, estimated the lot sales revenues over the expected 20-year life of the Project, and calculated the return on investment of the Project and the Alternatives, including the No Project/Existing Zoning Designations Alternative. As discussed in detail in the Updated Financial Feasibility Analysis, land development costs were calculated based on estimates of major cost categories and indirect costs, and finished lot prices were based on a detailed appraisal report.
- To determine whether the Project and the Habitat Avoidance Alternatives would be financially feasible, CBRE calculated the Internal Rate of Return (IRR) for each. IRR is the industry standard measurement used to evaluate long-term capital real estate investments. Capital investment in real estate development is a high-risk venture, and in order to obtain financing commitments, developers must be able to demonstrate sufficient returns to offset the risks related to development and construction costs. As detailed in the analysis, CBRE determined that an IRR of 15 to 25 percent would be the threshold at which the Project or the alternatives would be considered financially feasible. This IRR range represents typical industry standards for rate of return thresholds.
- Based on the detailed analysis in the Updated Financial Feasibility Analysis included in the RPDEIR, the Project would yield a return of approximately 15.2 percent, which falls within the industry standard rate of return thresholds of 15 to 25 percent. The Project would thus be financially feasible.
- As discussed above, this alternative would include a total of 2,215 dwelling units and 1,097,418 square feet of commercial, office, and light industrial uses, a reduction of approximately 6,192 dwelling units and an increase of 247,998 square feet of non-residential uses compared to the Project. This alternative represents an almost 75

percent reduction in residential uses compared to the Project, and many of the Project amenities would not be included in this alternative.

- Based on the detailed analysis provided in the Updated Financial Feasibility Analysis, this alternative would result in an IRR of approximately 0.3 percent, 14.9 percent less than the Project's IRR. Under current market conditions, this alternative would not yield a return adequate to attract the necessary equity capital. As described above, an IRR of 15 to 25 percent is considered the industry standard threshold that reflects an acceptable level of risk for long-term capital investments. Thus, the substantial reduction in the IRR under this alternative when compared with the Project is sufficiently severe as to render it not financially feasible.
- The City finds that the reduction of units and other changes in development required under the No Project/Existing Zoning Designations Alternative would make it financially infeasible, based on the detailed analysis in the Updated Financial Feasibility Analysis, the RPDEIR, and the Final RPEIR.

Effectiveness in Meeting Project Objectives:

The No Project/Existing Zoning Designations Alternative would achieve some, but not all, of the Project objectives, including those defined by the Lead Agency and the Applicant, and many of those would be met to a lesser degree as compared to the Project.

Failure to Satisfy Key Goals and Policies of the General Plan

- In December 2010, several months after the City approved the project and certified the original FEIR, the City adopted an updated General Plan. The Project is fully consistent with the applicable goals and policies of the updated General Plan. Although the No Project/Existing Zoning Designation Alternative would be consistent with many of these goals and policies, either to the same extent as or to a lesser extent than the Project, it would be inconsistent with key goals of the General Plan. With respect to the City's General Plan objectives identified for the Project, this alternative would not attain GP-1 ("encourage annexation which will demonstrate net benefit to the City") since it would not involve the annexation of land into the City. The City finds that this alternative would not be consistent with a key objective of the General Plan.

Failure to Meet Key Project Objectives

- The No Project/Existing Zoning Designations Alternative would meet most, but not all, of the Lead Agency objectives (LA-1 through LA 10) identified for the Project, and not to the same degree as the Project for many of these objectives. This alternative would not achieve LA-4, since the provision of 2,215 residential units under this alternative would not be sufficient to meet the City's projected housing need of 4,323 units (as identified in the Southern California Association of Governments' (SCAG) Final Regional Housing Needs Allocation Plan for the planning period of January 1, 2006, to June 30, 2014). The alternative would not attain LA-10 since, as discussed above, the alternative was determined not to be financially feasible and therefore cannot be considered fiscally prudent. Attainment of LA-1 would not be achieved under the alternative, as annexation into the City would not occur and land use compatibility and resource protection would be reduced as compared to the Project.
- The No Project/Existing Zoning Designations Alternative would also fail to meet Applicant Objective A-9 ("address the City's current and projected housing needs for all segments of the community by providing a range of family-oriented single- and multi-

family residences, as well as an active-adult golf course community"). As concluded above, this alternative would not meet the City's housing needs. This alternative would not provide the variety of housing types and housing opportunities that the Project would achieve. Nearly all of the residential units provided by this alternative would be single family, resulting in a less diverse mix of housing with an emphasis on single-family housing and a reduction in total multi-family housing options. This reduction in the range of residential types would also narrow the range of available prices/rents on the property for future residents. As a result, this alternative would not meet the Project's objective of providing a range of residence types. Importantly, because of the emphasis on single-family homes, rather than the diverse mix of unit types as proposed under the Project, the City finds that this alternative also does not sufficiently support the City's important interest in promoting a wide range of housing types in new projects in order to create a diversity in scale, size, and cost for potential residents. As such, the alternative would not meet Objective A-9. Due to this alternative's economic infeasibility, discussed above, this alternative also does not meet the Project Objective A-16 of "[u]ndertak[ing] development of the Project site in a manner that is economically feasible and balanced to address both the Applicant's and the city's economic concerns."

- In summary, the No Project/Existing Zoning Designations Alternative would not attain six of the Project Objectives: GP-1, LA-4, LA-10, A-9, A-11 and A-16, and would fail to achieve the objectives of the Project. Overall, the alternative fails to meet several key Project objectives and would meet a number of the Project objectives to a lesser degree than the Project.

Additional Environmental Impacts Resulting from the Selection of this Alternative: This alternative may have greater land-use impacts than the Project in that it would be developed in accordance with existing zoning which includes several different specific plans and planned developments under different jurisdictions. The Project site would not be developed under one comprehensive development plan and would conflict with the City of Rialto General Plan, which envisions the area developed pursuant to a comprehensive specific plan. Absent one comprehensive development plan, the commitment to set aside open space and the protection of certain biological resources may not occur in as organized a manner as under the Project. As described in the June 8, 2012 Memorandum from Stephanie Eyestone-Jones to Gina Gibson, "Lytle Creek Ranch Specific Plan – Supplemental Alternatives Analysis," the No Project/Existing Zoning Designations Alternative would be inconsistent with Goal 2-2, Goal 2-6, Policy 2-6.1, Goal 2-7, Policy 2-7.1, Policy 2-7.4, Policy 2-8.1, Goal 2-10, Policy 2-10.1, Policy 2-10.2, Policy 2-10.3, Policy 2-11.3, Policy 2-12.5, Policy 2-14.1, Goal 2-27, Policy 2-27.2, Policy 2-27.3, Goal 3-1, Policy 3-6.2, Policy 3-11.2, Policy 3-11.4, Goal 3-12, Policy 3-12.1, and Goal 3-16 of the City's updated General Plan.

Conclusion: Under CEQA, where an EIR has identified significant environmental effects that have not been mitigated or avoided, the lead agency may nonetheless approve the Project if it finds that "[s]pecific economic, legal, social, technological, or other considerations... make infeasible the mitigation measures or alternatives identified in the environmental impact report."[5] In such a situation, the lead agency's task with respect to

[5] Public Resources Code, § 21081, subdivision (a)(3); CEQA Guidelines, § 15091, subdivision (a)(3).

project approval must include an evaluation as to whether the identified alternatives are "actually feasible."[6] CEQA defines "feasible" as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors."[7] An agency "may reject [project] alternatives if it properly finds them to be infeasible for **any** of the statutorily specified reasons, including economic infeasibility."[8] In addition, an agency may reject project alternatives for being inconsistent with project objectives, or for conflicting with or inadequately accommodating agency planning goals and policies. Substantial evidence in the record demonstrates that the No Project/Existing Zoning Designations Alternative is infeasible.

1) An alternative may be found infeasible on economic grounds, so long as that finding is supported by substantial evidence. The feasibility question is "whether the marginal costs of the alternative as compared to the cost of the Project are so great that a reasonably prudent property owner would not proceed with the [alternative]."[9] Here, the evidence demonstrates that the No Project/Existing Zoning Designations Alternative would be financial infeasible. CBRE Consulting's Updated Financial Feasibility Analysis included in Appendix V-E of the RPDEIR, and the addendum to that report, included as Appendix B to the June 8, 2012 Memorandum from Stephanie Eyestone-Jones to Gina Gibson, Lytle Creek Ranch Specific Plan – Supplemental Alternatives Analysis," indicates that an IRR of 15 to 25 percent would be the threshold at which the Project or any alternatives, including the No Project/Existing Zoning Designations Alternative would be considered financially feasible. As discussed above, the Project would yield a rate of return of approximately 15.2 percent and is therefore feasible. This alternative would result in an IRR of only approximately 0.3 percent. This alternative would not attract the necessary equity capital at that IRR, and is therefore financially infeasible.

2) An alternative may also be found infeasible if it is inconsistent with the Project Objectives. As discussed above, the evidence demonstrates that the No Project/Existing Zoning Designations Alternative would not meet several key Project Objectives.

3) The City may also reject "an alternative that 'is impractical or undesirable from a policy standpoint" as infeasible, so long as that finding is supported by substantial evidence.[10] As discussed in detail in the June 8, 2012 Memorandum from Stephanie Eyestone-Jones to Gina Gibson, Lytle Creek Ranch Specific Plan – Supplemental Alternatives Analysis," the No Project/Existing Zoning

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6 California Native Plant Society v. City of Santa Cruz (2009) 177 Cal.App.4th 957, 981.

7 Public Resources Code, § 21061.1; see also CEQA Guidelines, § 15364 (defining feasible as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors").

8 The Flanders Foundation v. City of Carmel-by-the-Sea (2012) 202 Cal.App. 4th 603, 622.

9 Id.

10 California Native Plant Society v. City of Santa Cruz (2009) 177 Cal.App.4th 957, 1001.

Designations Alternative would be inconsistent with key City economic goals in the General Plan, including Goal 2-7 ("encourage all annexations that will provide a benefit to the City") and Goal 3-1 ("strengthen and diversify the economic base and employment opportunities, and maintain a positive business climate").

For the foregoing reasons, based on substantial evidence in the record, the City Council finds the No Project/Existing Zoning Designations Alternative is infeasible and rejects it in favor of the Project.

6.3 Alternative No. 3: Habitat Avoidance Alternative 1 (Avoidance of San Bernadino Kangaroo Rat/Least Bell's Vireo Occupied Habitat, or "HAA 1")

Alternative Description: The Complete FEIR identified various potentially significant impacts that the Project could cause to biological resources in the Project study area. Although the Complete FEIR determined that all biological resource impacts could be mitigated to a less than significant level, in light of those potential project-related impacts, several "habitat avoidance" alternatives to the Project were developed for assessment under CEQA. Each alternative was defined so as to minimize the direct disturbance of sensitive habitats and the corresponding sensitive species that occupy those habitats.

The first of these habitat avoidance alternatives, referred to as Habitat Avoidance Alternative 1 (HAA 1) would avoid development in habitats occupied by SBKR and LBV. The objective of this alternative is to avoid or substantially reduce significant Project-related impacts affecting on-site biological resources prior to mitigation, specifically potential impacts upon listed wildlife species including, but not limited to, the SBKR and the LBV. Both the SBKR and LBV are federally-listed species under the Federal Endangered Species Act (FESA) and have been observed in the LCRSP study area. For those areas not avoided (i.e., those areas to be developed), this alternative assumes development consistent with the LCRSP. Accordingly, a total of 7,484 dwelling units and 820,540 square feet of commercial, office, and light industrial uses would be developed on the Project site under this alternative. Each neighborhood is briefly described below.

In Neighborhood I, the main species of concern is the LBV which utilizes the riparian habitat area adjacent to the I-15 Freeway. It is assumed that the remainder of Neighborhood I would be developed in accordance with those land uses and at the corresponding densities as presented in the LCRSP. Under HAA 1, direct impacts to the riparian areas have been avoided.

In Neighborhood II, a portion of the proposed development area, specifically the area where the revetment is proposed, provides habitat for listed species, including the SBKR. Although this area currently provided habitat for the SBKR, the biological assessment concluded that long-term viability of this area to serve as SBKR habitat is, at best, problematic (*i.e.*, even if the area surrounding this habitat area were not developed, this area lacks long-term viability as suitable SBKR habitat); therefore, this alternative contemplates impacts to this small area of listed-species habitat for the revetment. There is a pocket of riparian habitat in the northwest area of Neighborhood II which is considered jurisdictional waters, but because the area does not provide nesting habitat for either the LBV or the southwestern willow flycatcher, under this alternative,

development within this area was not avoided because the focus of this alternative is the avoidance of areas which are occupied by listed species.

In Neighborhood III, the footprint of the revetment was moved further south as compared to the Project; however, a small area of currently-occupied SBKR habitat is impacted. Impacts to this area could not be avoided taking into consideration the alignment of the revetment. The biological resource analysis concludes that this area will not remain as suitable habitat for the SBKR in the long-term (even in the absence of development) because the vegetation will re-establish itself and it is anticipated to succeed into a dense, mature chaparral/shrub cover unsuitable for occupation by the species.

In Neighborhood IV, the alignment of the revetment was altered to minimize impacts to listed species and the area proposed for development reduced. A small area of listed species habitat would still be affected by placement of the revetment.

HAA 1 further serves to promote the preservation of the largest concentration of Plummer's mariposa lily and Parry's spineflower. The largest concentrations of these two plant species are found in the preserved species habitat areas. Although neither of these plant species are State or federally-listed, both are identified by the California Native Plant Society (CNPS) as either sensitive species or species to be more closely monitored.

Comparison of the Effects of the Alternative to the Effects of the Project: Substantial evidence demonstrates that this alternative would not result in the avoidance or substantial lessening of the significant Project-related and cumulative air quality, noise, and growth-inducing impacts associated with the adoption and implementation of the Project.

Air Quality Impacts of HAA 1

- In comparison to the Project, HAA 1 would represent a reduction of approximately 923 dwelling units and 28,880 square feet of commercial, office, and light industrial uses. As a result, construction activities would be only incrementally less than under the Project. As with the Project, construction of HAA 1 would generate pollutant emissions through the use of heavy-duty construction equipment and haul/delivery truck and construction worker trips. Although the overall amount of construction would be slightly less under HAA 1 compared to the Project, fugitive dust and pollutant emissions would be similar on a daily basis. The footprint of development proposed by HAA 1 would be largely similar to the Project in Neighborhoods I, II, and IV. The Project and HAA 1 would require a similar intensity of site grading activities, the dominant source of emissions for both. Proposed construction under this alternative would not change the proximity of construction activities from off-site sensitive receptors.
- Although construction impacts to air quality would be reduced under HAA 1 in comparison to the Project, construction emissions under HAA 1 would result in regional and localized air quality impacts. Those impacts would be significant and unavoidable for regional CO, VOC, PM_{10}, $PM_{2.5,\ and}$ NO_x and localized PM_{10} and $PM_{2.5}$.
- Compared to the Project, HAA 1 would reduce unmitigated maximum daily overlapping construction emissions by 19 percent for CO, 7 percent for VOC, 6 percent for PM_{10}, 5 percent for $PM_{2.5}$, and produce similar amounts of NO_x and SO_x. After implementation of Mitigation Measures 7-1 though 7-9, daily emissions of CO, VOC, PM_{10}, $PM_{2.5}$ and NO_x would be reduced by a minimum of 5 percent. Although these impacts would be

reduced, as with the Project, HAA 1 emissions would exceed the significance thresholds established by SCAQMD for regional CO, VOC, PM_{10}, $PM_{2.5}$ and $NO_{x.}$

- As with the Project, HAA 1 would exceed SCAQMD thresholds for localized PM_{10} and $PM_{2.5}$. After mitigation, HAA 1 would produce PM_{10} emissions of 61.8 $\mu g/m^3$ and $PM_{2.5}$ emissions of 14.0 $\mu g/m^{3,}$ which exceed the SCAQMD threshold of 10.4 $\mu g/m^3$. The Project and HAA 1 would result in similar CO and NO_2 concentrations and impacts associated with these concentrations would be less than significant for both.
- Maximum daily operational emissions for HAA 1 would result in significant and unavoidable impacts for regional VOC, NO_x, CO, PM_{10} and $PM_{2.5}$, similar to the Project. The number of daily trips generated by HAA 1 would decrease by 9 percent in comparison with the Project. However, in comparison to the SCAQMD thresholds, HAA 1 regional emissions would represent 14.4 times the VOC threshold, 12.5 times the NO_X threshold, 6.6 times the CO threshold, 9.7 times the PM_{10} threshold, and 5.3 times the $PM_{2.5}$ threshold. Accordingly, the total contributions to regional emissions under HAA 1 would exceed the SCAQMD significance thresholds for VOC, NO_x, CO, PM_{10} and $PM_{2.5}$, similar to the Project. Neither the Project nor HAA 1 operations would result in significant localized air quality impacts.
- Similar to the Project, HAA 1 would generally comply with SCAQMD's 2007 Air Quality Management Plan (AQMP), with the possible exception of construction-related particulate emissions. However, localized modeling shows that site construction under HAA 1 would result in a substantial increase of PM_{10} and $PM_{2.5}$ averaged over a 24-hour period and would add cumulatively to an exceedance of particulate standards. As with the Project, HAA 1 would thus not appear to comply with the AQMP's goal of protecting sensitive receptors from exceedance conditions. This impact will be significant and unavoidable for both the Project and HAA 1.
- With respect to Toxic Air Contaminants, HAA 1 would result in new sensitive land uses within the CARB recommended general buffer zone of no less than 400 feet from a freeway averaging more than 100,000 vehicles per day. While HAA 1 would result in fewer dwellings than the Project, proposed dwelling units would be located a similar distance from the 1-15 freeway. As with the Project, the cancer risk under HAA 1 would exceed the 10 in one million threshold. In comparison to the SCAQMD threshold, HAA 1 would represent 20 times the threshold for the maximum on-site residence over a 70-year exposure duration, with 199 estimated excess cancer risks per one million people over a 70-year duration. Even with incorporation of mitigation measures, HAA 1 would result in potential impacts to on-site sensitive receptors from off-site sources of toxic air contaminants.

Noise Impacts of HAA 1

- As with the Project, HAA 1 would still result in significant an unavoidable operational noise impacts. Daily traffic volumes associated with HAA 1 would be approximately 9 percent lass than the project, and operations noise impacts of HAA 1 would thus be incrementally less than the Project. Project-related traffic from HAA 1 would still cause an increase in 4.1 dBA CNEL for portions of Country Club Drive, which exceeds the threshold of significance for noise increases. As a result, noise impacts along Country Club Drive (north of Riverside Avenue) would remain significant and unavoidable
- The changes in building massing and configuration associated with HAA 1 would not result in materially different construction noise impacts than those forecasted for the Project. As with the Project, HAA 1 would use construction equipment that would produce maximum noise levels of 76 dBA to 90 dBA at a distance of 50 feet, and any location with an uninterrupted line-of-sign could be exposes to temporary noise levels

above 75 dBA at a distance of less than 150 feet from the noise source. However, as with the Project, HAA 1 would be conducted in compliance with the City's noise ordinance and any impact would thus be less than significant.

Growth Inducement Impacts of HAA 1

- As with the Project, HAA 1 would result in a significant growth-inducing impact. A project will have a significant growth-inducing impact if the project conflicts with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project, or induces substantial population growth in an area either directly or indirectly.
- HAA 1 would result in a total of 7,484 residential units and 820,540 square feet of office within a 2,447.3-acre site. Under the existing City and County zoning designations applicable to the site, development activities would be confined to an approximately 1,215.5-acre portion of the total project site. Based on existing zoning, 2,215 single-family dwelling units and 1,097,418 square feet of commercial and light industrial development could be constructed. Thus, when compared to what might otherwise be allowable under existing zoning, HAA 1 would result in an increase of 5,269 residential units and approximately 276,878 less square feet of non-residential uses. Assuming an average household size of 3.896 persons per household, and a jobs rate of one job per each 250 square feet of non-residential development, HAA 1 would foster a population increase of 20,528 persons and a reduction of 1,108 primary jobs.
- Similar to the Project, HAA 1 would require the adoption of a specific plan, a General Plan Amendment, a pre-annexation and development agreement, and other discretionary actions to complete. These changes in jurisdictional authority and land-use regulations and HAA 1 would result in an intensification of uses and substantial growth beyond what is allowable under existing City and County zoning.

Financial Infeasibility: In response to the Court Ruling, an updated Financial Feasibility Analysis of the Lytle Creek Ranch Specific Plan Project and Alternatives to the Project Discussed in the Lytle Creek Ranch Specific Plan EIR was prepared by CBRE Consulting, a real estate and urban economics consulting firm, and included as Appendix V-E to the RPDEIR. This includes a detailed analysis of the financial feasibility of the Project and HAA 1.

- To assess the financial feasibility of the Project and the alternatives to the Project, CBRE developed a model that calculated the total development costs, estimated the lot sales revenues over the expected 20-year life of the Project, and calculated the return on investment of the Project and the Alternatives, including HAA 1. As discussed in detail in the Updated Financial Feasibility Analysis, land development costs were calculated based on estimates of major cost categories and indirect costs, and finished lot prices were based on a detailed appraisal report.
- To determine whether the Project and the Habitat Avoidance Alternatives would be financially feasible, CBRE calculated the Internal Rate of Return (IRR) for each. IRR is the industry standard measurement used to evaluate long-term capital real estate investments. Capital investment in real estate development is a high-risk venture, and in order to obtain financing commitments, developers must be able to demonstrate sufficient returns to offset the risks related to development and construction costs. As detailed in the analysis, CBRE determined that an IRR of 15 to 25 percent would be the threshold at which the Project or the alternatives would be considered financially feasible. This IRR range represents typical industry standards for rate of return thresholds.

- Based on the detailed analysis in the Updated Financial Feasibility Analysis included in the RPDEIR, the Project would yield a return of approximately 15.2 percent, which falls within the industry standard rate of return thresholds of 15 to 25 percent. The Project would thus be financially feasible
- As discussed above, HAA 1 would include a total of 7,484 dwelling units and 820,540 square feet of commercial, office, and light industrial uses, a reduction of approximately 923 dwelling units and 28,880 square feet of non-residential uses compared to the Project. Like the Project, the alternative would include a modernized public golf course and 12-acre park adjacent to a new K–8 school, but it would not provide any formal active recreational parks dedicated to the community (including the Grand Paseo Park). In addition, this alternative would not be gated, would not have any monumentation/ definition or neighborhood entry definition, and would not be developed as a master planned community. Although development costs associated with HAA 1 would be reduced in comparison to the Project, the total value of the Project would be substantially reduced.
- Based on the detailed analysis provided in the Updated Financial Feasibility Analysis, HAA 1 would result in an IRR of approximately 3.8 percent, 11.4 percent less than the Project's IRR. While HAA 1 would generate positive cash flow before financing costs, under current market conditions this alternative would not yield a return adequate to attract the necessary equity capital. As described above, an IRR of 15 to 25 percent is considered the industry standard threshold that reflects an acceptable level of risk for long-term capital investments. Thus, the substantial reduction in the IRR under this alternative when compared with the Project is sufficiently severe as to render it not financially feasible.
- The City finds that the reduction of units and other changes in development required under HAA 1 would make it financially infeasible, based on the detailed analysis in the Updated Financial Feasibility Analysis, the RPDEIR, and the Final RPEIR.

Failure to Meet Project Objectives and Key General Plan Policies: HAA 1 contemplates development for generally the same types and densities of uses as associated with the Project. However, by reducing the development footprint, the overall number of dwelling units and non-residential square footage would be reduced compared to the Project The City finds that HAA 1 would not achieve a number of the key Project objectives or would achieve them to a lesser degree than the Project, and that HAA 1 is undesirable from a policy standpoint as it would not sufficiently support the City's interest in promoting several important objectives and policies.

Failure to Meet Key Project Objectives

- As discussed in detail the RPDEIR, HAA 1 also does not sufficiently achieve many of the City's and the Applicant's key Project objectives, in addition to other important City policies. HAA 1 would attain most, but not all, of the Project objectives identified by the Lead Agency and the Applicant. However, HAA 1 would fail to achieve key Project objectives, and would not achieve many of the Project objectives to the same degree as the Project.
- Notably, key Project Objectives identified by both the Lead Agency and the Applicant involve fiscal and economic concerns. The City is currently facing one of its most challenging budget cycles in its history. Revenues have decreased while expenditures have significantly increased. The City cannot continue to operate long term with a structural deficit in the General Fund. Accordingly, it is key to the City that new development projects be financially feasible. Under CEQA, an agency may find an

alternative to be infeasible for failing to meet a project objective that the development be economically feasible. As CBRE's Updated Financial Feasibility Analysis determined that HAA 1 would be financially infeasible, that alternative would not attain Project Objectives LA-10 ("private development activities should be deemed by the City to be fiscally prudent") and A-16 ("undertake development of the Project site in a manner that is economically feasible and balanced to address both the Applicant's and the City's economic concerns").

- Under HAA 1, other Project objectives would be met to a lesser degree than that of the Project. Objective LA-6 ("Provide for and/or facilitate the introduction and expansion of economic opportunities and benefits for the City and its residents ") would be met to a lesser extent than the Project. HAA 1 would not expand economic opportunities to the same degree, nor would it generate as much tax revenue, because of the reduced amount of development associated with HAA 1. Consequently, the economic benefits to the City would be reduced compared to the Project.
- Attainment of Project objective A-11 ("Implement the City General Plan's Land Use Element goal to facilitate annexation of large areas of land that are governed by a specific plan, which provides for compatibility of land uses, fiscal balance, recreation, and resource protection") would be mixed under HAA 1, as portions of the Project site would be annexed into the City similar to the Project, but fiscal benefits would be reduced while biological resource protection would be attained.
- The objectives relating to project amenities would be achieved to a lesser extent by HAA 1. Specifically, A-1, A-6 through A-8, and A-12 all involve the provision of amenities such as parks, recreation and open space areas including a golf course, pedestrian trails, and bike lanes. Although HAA 1 would include a golf course and 12-acre park adjacent to the new K–8 school, it would not provide any formal active recreational parks dedicated to the community. This contrasts with the Project, which would involve an enhanced Grand Paseo Park with active recreation, four recreation centers, a golf course, a 35-acre sports park, a 5.1- acre joint-use park adjacent to a new elementary school, and a 12.1-acre joint-use park adjacent to a new K–8 school. Unlike the Project, HAA 1 would not be a master planned community and would not feature the same degree of interconnection, including via trails and bike lanes, between the various project areas, nor would it offer the same accessibility to recreational opportunities since fewer recreational amenities would be provided. Consequently, objectives A-1, A-6 through A-8, and A-12 would be partially attained/not attained to the same extent as under the Project.
- Objective A-5 ("Develop freeway-oriented commercial areas to serve regional needs and stimulate job and revenue growth in the City") also involves economic issues. HAA 1 would not expand economic opportunities to the same degree as the Project nor would it generate as much tax revenue for the City because of reduced development. Job growth would also not be as extensive, as HAA 1 would generate an estimated 3,282 jobs in comparison to the 3,398 jobs generated by Project. Furthermore, HAA 1 was determined not to be financially feasible. Therefore, under HAA 1, A-5 would be partially attained, to a lesser extent than the Project.
- With respect to objective A-9, regarding the City's housing needs ("Address the City's current and projected housing needs for all segments of the community by providing a range of family-oriented single- and multi-family residences, as well as an active-adult golf course community"), this objective would also not be achieved to the same degree by HAA 1 as the Project. In addition, HAA 1's reduced number of units may result in a narrower range of available prices/rents on the Project site, which would not be able to meet the needs of all segments of the community.

- The City finds that HAA 1 would fail to attain key Project objectives LA-10 and A-16, and would not achieve many important Project objectives to the same degree as the Project.

Failure to Satisfy Key Goals and Policies of the General Plan:

- In December 2010, several months after the City approved the Project and certified the original FEIR, the City adopted an updated General Plan, which was only in draft form at the time of project approval. The Project is fully consistent with the applicable goals and policies of the updated General Plan. Although HAA 1 would be consistent with many of these goals and policies, either to the same extent as or to a lesser extent than the Project, it would be inconsistent with several key goals and policies. The RPDEIR contains a detailed analysis the consistency of HAA 1 with the goals and policies of the General Plan and identifies those goals and policies that would not be met.
- Specifically, HAA 1 would be inconsistent with Goal 2-7 ("encourage all annexations that will provide a benefit to the City") and Goal 3-1 ("strengthen and diversify the economic base and employment opportunities, and maintain a positive business climate") because, as discussed above, HAA 1 is not financially feasible.
- HAA 1 would be a nonmaster planned community with no formal active recreation parks dedicated to the community and no neighborhood monumentation or definition. HAA 1 would thus be inconsistent with key goals and policies regarding the provision of community parks and public facilities, and neighborhood character or identification, including Policy 2-7.4 ("require that land be set aside for community parks and other public facilities as appropriate for any large planned development") and Goal 2-27 ("provide a variety of park facilities that meet the diverse needs and interest of the community"), as well as Policy 2-8.1 ("promote neighborhood identity and preservation of individual neighborhood character by preserving or creating neighborhood gateway features"), Goal 2-10 ("create distinctive gateways at all entry points into Rialto and for individual districts or neighborhoods") and Policies 2-10.1 to 2-10.3 ("continue the use of monument signs at focal points within the community and at major and minor gateways. Establish unified entry treatments at major entries into the City;" "design and implement themed landscape treatments near freeway off- and on- ramps to announce entry into Rialto;" and "encourage new and established neighborhoods to provide ground signs and landscaping at a major street entrance to reinforce their identity," respectively), Policy 2-12.5 ("Maximize potential pedestrian connections through the use of highly visible gateways"), and Policy 2-27.2 ("plan for and designate adequate funding to maintain new and existing parks and facilities").
- The City finds that HAA 1 would not be consistent with several key objectives of the General Plan.

Additional Environmental Impacts Resulting from the Selection of this Alternative:
No additional significant environmental impacts would be predicted to occur under this alternative. Although this alternative would result in a substantial reduction in impacts to listed wildlife species, including the SBKR and the LBV, adoption and implementation would not result in that impact's avoidance. Additionally, selection of this alternative would not reduce any of the Project's significant or potentially significant unmitigated impacts to a less-than-significant level.

Conclusion:
Under CEQA, where an EIR has identified significant environmental effects that have not been mitigated or avoided for a Project, the lead agency may nonetheless approve the

Project if it finds that specific economic, legal, social, technological, or other considerations make the alternatives identified in the EIR infeasible. The City, as Lead Agency, may reject alternatives if they are infeasible for economic, environmental, social, or technological reasons, or if the alternative is inconsistent with the project objectives, or conflicts with or inadequately accommodates the City's planning goals and policies. Indeed, the City "may reject [project] alternatives if it properly finds them to be infeasible for **any** of the statutorily specified reasons, including economic infeasibility."[11] Substantial evidence in the record demonstrates that HAA 1 is infeasible.

1) An alternative may be found infeasible if it fails to avoid or substantially lessen the significant and unavoidable impacts of the Project. The evidence demonstrates that HAA 1 would fail to avoid or substantially lessen any of the significant and unavoidable impacts air quality, noise, and growth inducting impacts of the Project.

2) The evidence also demonstrates that HAA 1 would be financially infeasible. CBRE Consulting's Updated Financial Feasibility Analysis included in the RPDEIR indicates that an IRR of 15 to 25 percent would be the threshold at which the Project or any alternatives, including HAA 1, would be considered financially feasible. As discussed above, the Project would yield a rate of return of approximately 15.2 percent and is therefore feasible. HAA 1 would result in an IRR of approximately 3.8 percent. HAA 1 would not attract the necessary equity capital at that IRR, and is therefore financially infeasible.

3) An alternative may also be found infeasible if it is inconsistent with the Project objectives. As discussed above, the evidence demonstrates that HAA 1 would not meet all Project Objectives.

4) The City may also reject an alternative that is impractical or undesirable from a policy standpoint as infeasible. As discussed above, substantial evidence demonstrates that HAA 1 would not meet key goals and policies of the City's updated General Plan

For the foregoing reasons, supported by substantial evidence in the record, the City Council finds Habitat Avoidance Alternative 1 infeasible and rejects it in favor of the Project.

6.4 Alternative No. 4: Habitat Avoidance Alternative 2 (Avoidance of Riversidian Alluvial Fan Sage Scrub Areas, or "HAA 2").

Alternative Description: The Complete FEIR identified various potentially significant impacts that the Project could cause to biological resources in the Project study area. Although the Complete FEIR determined that all biological resource impacts could be mitigated to a less than significant level, in light of those potential project-related impacts, several "habitat avoidance" alternatives to the Project were developed for assessment under CEQA. Each alternative was defined so as to minimize the direct disturbance of sensitive habitats and the corresponding sensitive species that occupy those habitats.

[11] The Flanders Foundation v. City of Carmel-by-the-Sea (2012) 202 Cal.App. 4th 603, 622.

The second of these habitat avoidance alternatives is referred to as Habitat Avoidance Alternative 2 (HAA 2), Under HAA 2, a total of 4,873 dwelling units and 602,827 square feet of commercial, office, and light industrial uses could be developed on the Project site. The objective of HAA 2 is to avoid or substantially reduce significant Project-related impacts affecting Riversidian alluvian fan sage scrub (RAFSS) areas located on the Project Site. As proposed, implementation of the LCRSP would result in potentially significant impacts to RAFSS, considered a sensitive natural community and a high priority for inventory in the California Natural Diversity Database (CNDDB). In order to achieve this, although HAA 2 involves the construction of a revetment, it does not involve the extension of the revetment to the existing Cemex USA levee. In addition, the location of this alternative's revetment in Neighborhood IV would not affect the hydrological conditions needed to sustain RAFSS on the site.

The major concentration of RAFSS on the Project site lies within the Lytle Creek Wash area. The areas designated as Preserved RAFSS Community include both RAFSS as well as RAFSS-dominated vegetation. Under this alternative, the areas proposed for development may contain some components of RAFSS vegetation but those areas are not considered RAFSS-dominated communities and, therefore, the developed areas would not be considered habitat.

Although not a RAFSS community, riparian habitat is also considered a sensitive habitat. HAA 2 also provides protection for riparian habitat in areas of Neighborhood I and a small area within Neighborhood II. Furthermore, HAA 2 would place all development behind the FEMA 100-year floodplain line.

Comparison of the Effects of the Alternative to the Effects of the Project
Substantial evidence demonstrates that HAA 2 would not result in the avoidance or substantial lessening of the significant Project-related and cumulative air quality, noise, and growth-inducing impacts associated with the adoption and implementation of the Project.

Air Quality Impacts of HAA 2.

- In comparison to the Project, HAA 2 would represent a reduction of approximately 3,534 dwelling units and 246,593 square feet of commercial, office, and light industrial uses. As a result, construction activities would be less than under the Project. As with the Project, construction of HAA 2 would generate pollutant emissions through the use of heavy-duty construction equipment and haul/delivery truck and construction worker trips. Although the overall amount of construction would be less under HAA 2 compared to the Project, fugitive dust and pollutant emissions would be similar on a daily basis. The footprint of development proposed by HAA 2 would be largely similar to the Project in Neighborhood I, though Neighborhoods II, III, and IV would be moved further south. The Project and this alternative would require a similar intensity of site grading activities, the dominant source of emissions for both. Proposed construction under this HAA 2 would not change the proximity of construction activities from off-site sensitive receptors.
- Although construction impacts to air quality would be reduced under HAA 2 in comparison to the Project, construction emissions under HAA 2 would result in regional and localized air quality impacts. Those impacts would be significant and unavoidable for regional CO, VOC, PM_{10}, $PM_{2.5}$ and NO_x and localized PM_{10} and $PM_{2.5}$.
- Compared to the Project, HAA 1 would reduce unmitigated maximum daily overlapping construction emissions by 47 percent for CO, 24 percent for VOC, 6 percent for PM_{10}, 6

percent for $PM_{2.5}$ and 9 percent for NO_x and produce a similar amount of SO_x. After implementation of Mitigation Measures 7-1 though 7-9, daily emissions of CO, VOC, PM_{10}, $PM_{2.5}$ and NO_x would be reduced by a minimum of 5 percent. Although these impacts would be reduced, as with the Project, HAA 2 emissions would exceed the significance thresholds established by SCAQMD for regional CO, VOC, PM_{10}, $PM_{2.5}$ and NO_x.

- As with the Project, HAA 2 would exceed SCAQMD thresholds for localized PM_{10} and $PM_{2.5}$. After mitigation, HAA 2 would produce PM_{10} emissions of 61.7 $\mu g/m^3$ and $PM_{2.5}$ emissions of 13.9 $\mu g/m^3$, which exceed the SCAQMD threshold of 10.4 $\mu g/m^3$. The Project and HAA 1 would result in similar CO and NO_2 concentrations and impacts associated with these concentrations would be less than significant for both.
- Maximum daily operational emissions for HAA 2 would result in significant and unavoidable impacts for regional VOC, NO_x, CO, PM_{10} and $PM_{2.5}$, similar to the Project. The number of daily trips generated by HAA 2 would decrease by 39 percent in comparison with the Project. However, in comparison to the SCAQMD thresholds, HAA 2 regional emissions would represent 9.1 times the VOC threshold, 7.4 times the NO_X threshold, 3.6 times the CO threshold, 5.1 times the PM_{10} threshold, and 2.8 times the $PM_{2.5}$ threshold. Accordingly, the total contributions to regional emissions under HAA 2 would exceed the SCAQMD significance thresholds for VOC, NO_x, CO, PM_{10} and $PM_{2.5}$, similar to the Project. Neither the Project nor HAA 2 operations would result in significant localized air quality impacts.
- Similar to the Project, HAA 2 would generally comply with SCAQMD's 2007 Air Quality Management Plan (AQMP), with the possible exception of construction-related particulate emissions. However, localized modeling shows that site construction under HAA 2 would result in a substantial increase of PM_{10} and $PM_{2.5}$ averaged over a 24-hour period and would add cumulatively to an exceedance of particulate standards. As with the Project, HAA 2 would thus not appear to comply with the AQMP's goal of protecting sensitive receptors from exceedance conditions. This impact will be significant and unavoidable for both the Project and HAA 2.
- HAA 2 would result in new sensitive land uses within the CARB recommended general buffer zone of no less than 400 feet from a freeway averaging more than 100,000 vehicles per day. While HAA 2 would result in fewer dwellings than the Project, proposed dwelling units would be located a similar distance from the 1-15 freeway. As with the Project, the cancer risk under HAA 2 would exceed the 10 in one million threshold. In comparison to the SCAQMD threshold, HAA 1 would represent 13 times the threshold for the maximum on-site residence over a 70-year exposure duration, with 130 estimated excess cancer risks per one million people over a 70-year duration. Even with incorporation of mitigation measures, HAA 2 would result in potential impacts to on-site sensitive receptors from off-site sources of toxic air contaminants.

Noise Impacts of HAA 2

- As with the Project, HAA 2 would still result in significant and unavoidable operational noise impacts. Daily traffic volumes associated with HAA 2 would be approximately 39 percent lass than the project, and operations noise impacts of HAA 2 would thus be incrementally less than the Project. Project-related traffic from HAA 2 would still cause an increase of 3.4 dBA CNEL for portions of Country Club Drive, which exceed the threshold of significance for noise increases. As a result, noise impacts along Country Club Drive (north of Riverside Avenue) would remain significant and unavoidable
- The changes in building massing and configuration associated with HAA 2 would not result in materially different construction noise impacts than those forecasted for the

Project. As with the Project, HAA 2 would use construction equipment that would produce maximum noise levels of 76 dBA to 90 dBA at a distance of 50 feet, and any location with an uninterrupted line-of-sign could be exposes to temporary noise levels above 75 dBA at a distance of less than 150 feet from the noise source. However, as with the Project, HAA 2 would be conducted in compliance with the City's noise ordinance and any impact would thus be less than significant.

Growth Inducing Impacts of HAA 2

- As with the Project, HAA 2 would result in a significant growth-inducing impact. A significant growth-inducing impact will occur if a project conflicts with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project, or induces substantial population growth in an area either directly or indirectly.
- HAA 2 would result in a total of 4,873 residential units and 602,827 square feet of office within a 2,447.3-acre site. Under the existing City and County zoning designations applicable to the site, development activities would be confined to an approximately 1,215.5-acre portion of the total project site. Based on existing zoning, 2,215 single-family dwelling units and 1,097,418 square feet of commercial and light industrial development could be constructed. Thus, when compared to what might otherwise be allowable under existing zoning, HAA 2 would result in an increase of 2,658 residential units and approximately 494,591 less square feet of non-residential uses. Assuming an average household size of 3.896 persons per household, and a jobs rate of one job per each 250 square feet of non-residential development, HAA 2 would foster a population increase of 10,366 persons and a reduction of 1,978 primary jobs.
- Similar to the Project, HAA 2 would require the adoption of a specific plan, a General Plan Amendment, a pre-annexation and development agreement, and other discretionary actions to complete. These changes in jurisdictional authority and land-use regulations and HAA 2 would result in an intensification of uses and substantial growth beyond what is allowable under existing City and County zoning.

Financial Infeasibility: In response to the Court Ruling, an updated Financial Feasibility Analysis of the Lytle Creek Ranch Specific Plan Project and Alternatives to the Project Discussed in the Lytle Creek Ranch Specific Plan EIR was prepared by CBRE Consulting, a real estate and urban economics consulting firm, and included in the RPDEIR. This includes a detailed analysis of the financial feasibility of the Project and HAA 2.

- To assess the financial feasibility of the Project and the alternatives to the Project, CBRE developed a model that calculated the total development costs, estimated the lot sales revenues over the expected 20-year life of the Project, and calculated the return on investment of the Project and the Alternatives, including HAA 2. As discussed in detail in the Updated Financial Feasibility Analysis, land development costs were calculated based on estimates of major cost categories and indirect costs, and finished lot prices were based on a detailed appraisal report.
- To determine whether the Project and the Habitat Avoidance Alternatives would be financially feasible, CBRE calculated the Internal Rate of Return (IRR) for each. IRR is the industry standard measurement used to evaluate long-term capital real estate investments. Capital investment in real estate development is a high-risk venture, and in order to obtain financing commitments, developers must be able to demonstrate sufficient returns to offset the risks related to development and construction costs. As detailed in the analysis, CBRE determined that an IRR of 15 to 25 percent would be the threshold at which the Project or the alternatives would be considered financially

feasible. This IRR range represents typical industry standards for rate of return thresholds.

- Based on the detailed analysis in the Updated Financial Feasibility Analysis included in the RPDEIR, the Project would yield a return of approximately 15.2 percent, which falls within the industry standard rate of return thresholds of 15 to 25 percent. The Project would thus be financially feasible.
- As discussed above, HAA 2 would include a total of 4,873 dwelling units and 602,827 square feet of commercial, office, and light industrial uses, a reduction of approximately 3,534 dwelling units and 246,593 square feet of non-residential uses compared to the Project. Similar to the Project, the alternative would include three recreation centers, a Paseo Park, and a 5.1-acre park adjacent to a new elementary school, but it would not include a golf course, an associated clubhouse, or a sports park. In addition, while this alternative would be developed as a master planned community, it would not be gated, would have only modest monumentation/definition, and would not have any neighborhood entry definition. Although development costs associated with HAA 2 would be reduced in comparison to the Project, the total value of the Project would be substantially reduced.
- Based on the detailed analysis provided in the Updated Financial Feasibility Analysis, HAA 2 would result in an IRR of approximately 5.3 percent, 9.9 percent less than the Project's IRR. While HAA 2 would generate positive cash flow before financing costs, under current market conditions this alternative would not yield a return adequate to attract the necessary equity capital. As described above, an IRR of 15 to 25 percent is considered the industry standard threshold that reflects an acceptable level of risk for long-term capital investments. Thus, the substantial reduction in the IRR under this alternative when compared with the Project is sufficiently severe as to render it not financially feasible.
- The City finds that the reduction of units and other changes in development required under HAA 2 would make it financially infeasible, based on the detailed analysis in the Updated Financial Feasibility Analysis, the RPDEIR, and the Final RPEIR.

Failure to Meet Project Objectives and Key General Plan Policies: HAA 2 would result in development for generally the same types and densities of uses as associated with the Project, but would reduce the development footprint. As a result, the overall number of dwelling units and non-residential square footage would be reduced compared to the Project The City finds that HAA 2 would not achieve a number of the key Project objectives, or would achieve them to a lesser degree than the Project. HAA 2 is undesirable from a policy standpoint as it would not sufficiently support the City's interest in promoting several important objectives and policies.

Failure to Meet Key Project Objectives

- As discussed in detail the RPDEIR, HAA 2 also does not sufficiently achieve many of the City's and the Applicant's key Project objectives, in addition to other important City policies. HAA 2 would attain most, but not all, of the Project objectives identified by the Lead Agency and the Applicant. However, HAA 1 would fail to achieve key Project objectives, and would not achieve many of the Project objectives to the same degree as the Project.
- Notably, key Project Objectives identified by both the Lead Agency and the Applicant involve fiscal and economic concerns. The City is currently facing one of its most challenging budget cycles in its history. Revenues have decreased while expenditures have significantly increased. The City cannot continue to operate long term with a

structural deficit in the General Fund. Accordingly, it is key to the City that new development projects be financially feasible. Under CEQA, an agency may find an alternative to be infeasible for failing to meet a Project Objective that the development be economically feasible. As CBRE's Updated Financial Feasibility Analysis determined that HAA 2 would be financially infeasible, that alternative would not attain Project Objectives LA-10 ("private development activities should be deemed by the City to be fiscally prudent") and A-16 ("undertake development of the Project site in a manner that is economically feasible and balanced to address both the Applicant's and the City's economic concerns").

- The Applicant also identified two Project objectives related to the redesign of the El Rancho Verde Golf Course. These objectives have become key to the City over the past year. Under the Project, the El Rancho Verde Golf Course would be redesigned and upgraded with new clubhouse facilities. Unfortunately, the El Rancho Verde Golf Course, a public golf course in the City, was forced to close in 2011 due to steep financial losses. The golf course was a place of community congregation for over 50 years in the City. Having the golf course eventually reopen is a key objective not only of the community but of the City as well. Under HAA 2 (Avoidance of RAFSS Areas), however, the golf course would never have the opportunity to be redesigned and reopened. As such, HAA 2 would not attain key Project objectives A-7 ("respond to the unmet need for active-adult communities in the Rialto area by providing residents with a golf course-oriented community and a variety of conveniently located on-site amenities") and A-8 ("provide the City and surrounding community with a redesigned public golf course and clubhouse, recreation and open space areas, parks, and trails to meet the City General Plan goals to provide such facilities to maintain and enhance the City's quality of life").
- Under HAA 2, other Project objectives would be met to a lesser degree than that of the Project. Objective LA-6 ("Provide for and/or facilitate the introduction and expansion of economic opportunities and benefits for the City and its residents ") would be met to a lesser extent than the Project. HAA 2 would not expand economic opportunities to the same degree as the Project, nor would it generate as much tax revenue as the Project, because of the reduced amount of development. Consequently, the economic benefits to the City would be reduced compared to the Project.
- Attainment of Project objective A-11 ("Implement the City General Plan's Land Use Element goal to facilitate annexation of large areas of land that are governed by a specific plan, which provides for compatibility of land uses, fiscal balance, recreation, and resource protection") would be mixed under HAA 2, as portions of the Project site would be annexed into the City similar to the Project, but fiscal benefits would be reduced while biological resource protection would be attained.
- Other objectives relating to project amenities and economic benefits would be achieved to a lesser extent by HAA 2. Specifically, objectives A-1, A-6 and A-12 all involve the provision of amenities such as parks, recreation and open space areas including a golf course, pedestrian trails, and bike lanes. Although HAA 2 would include three recreation centers, a Paseo Park, and a 5.1-acre park adjacent to a new elementary school, it would not include a golf course, an associated clubhouse, or a sports park. This contrasts with the Project, which would involve an enhanced Grand Paseo Park with active recreation, four recreation centers, a golf course, a 35-acre sports park, a 5.1-acre joint-use park adjacent to a new elementary school, and a 12.1-acre joint-use park adjacent to a new K–8 school. Consequently, objectives A-1, A-6 and A-12 would be partially attained/not attained to the same extent as under the Project.

- Objectives A-5 ("Develop freeway-oriented commercial areas to serve regional needs and stimulate job and revenue growth in the City") also involves economic issues. HAA 2 would not expand economic opportunities to the same degree as the Project nor would it generate as much tax revenue for the City because of reduced development. Job growth would also not be as extensive, as HAA 2 would generate an estimated 2,411 jobs in comparison to the 3,398 jobs generated by Project. Furthermore, HAA 2 was determined not to be financially feasible. Therefore, while A-5 would be partially attained to a lesser extent than the Project, A-16 would not be attained by HAA 2.
- With respect to objective A-9, regarding the City's housing needs ("Address the City's current and projected housing needs for all segments of the community by providing a range of family-oriented single- and multi-family residences, as well as an active-adult golf course community"), this objective would also not be achieved to the same degree by HAA 2 as the Project. In addition, the reduced number of units associated with HAA 2 may result in a narrower range of available prices/rents on the Project site, which would not be able to meet the needs of all segments of the community.
- The City finds that HAA 2 would fail to attain key Project objectives LA-10, A-7, A-8, and A-16, and would not achieve many important Project Objectives to the same degree as the Project.

Failure to Satisfy Key Goals and Policies of the General Plan

- In December 2010, several months after the City approved the Project and certified the original FEIR, the City adopted an updated General Plan, which was only in draft form at the time of project approval. The Project is fully consistent with the applicable goals and policies of the updated General Plan. Although HAA 2 would be consistent with many of these goals and policies, either to the same extent as or to a lesser extent than the Project, it would be inconsistent with several key goals and policies. The RPDEIR contains a detailed analysis of HAA 2's consistency with the goals and policies of the General Plan and those that would not be met by HAA 2.
- Specifically, HAA 2 would be inconsistent with Goal 2-7 ("encourage all annexations that will provide a benefit to the City") and Goal 3-1 ("strengthen and diversify the economic base and employment opportunities, and maintain a positive business climate") because, as discussed above, HAA 2 is not financially feasible.
- In addition, HAA 2 would eliminate the active adult community in proposed Neighborhood II of the Project as well as the redesigned El Rancho Verde Golf Course. This would be inconsistent with General Plan Goal 3-16 ("ensure integration and participation of seniors in mainstream community life through accessible social services"). Further, HAA 2 proposes a wide swath of residential development, with densities of 8 to 14 dwelling units per acre, in the proposed Neighborhood II area adjacent to an existing single-family community, resulting in additional land use compatibility and aesthetic impacts on established residential areas, which would not otherwise occur under the Project if the golf course were to remain. Accordingly, HAA 2 would be inconsistent with Policy 2-14.1 ("protect views of the San Gabriel and San Bernardino Mountains by ensuring that building heights are consistent with the scale of surrounding, existing development") and partially inconsistent with Policies 2-19.1 ("require that new construction, additions, renovations and infill developments be sensitive to neighborhood context and building form and scale") and 2-19.5 ("integrate residential developments with their built surroundings").
- The City finds that HAA 2 would not be consistent with several key objectives of the General Plan.

Additional Environmental Impacts Resulting from the Selection of this Alternative: No additional significant environmental impacts would be predicted to occur under this alternative. Although this alternative would result in a substantial reduction of potential impacts upon RAFSS-dominated vegetation, adoption and implementation would not result in that impact's complete avoidance. Additionally, selection of this alternative would not reduce the Project's significant or potentially significant unmitigated air quality, noise, and growth-inducing impacts to a less-than-significant level.

Conclusion: Under CEQA, if an EIR has identified significant environmental effects that have not been mitigated or avoided for a project, the lead agency may nonetheless approve the project if it finds that specific economic, legal, social, technological, or other considerations make the alternatives identified in the EIR infeasible. The City, as Lead Agency, may reject alternatives if they are infeasible for economic, environmental, social, or technological reasons, or if the alternative is inconsistent with the project objectives, or conflicts with or inadequately accommodates the City's planning goals and policies. Indeed, the City "may reject [project] alternatives if it properly finds them to be infeasible for **any** of the statutorily specified reasons, including economic infeasibility."[12] Substantial evidence in the record demonstrates that HAA 2 is infeasible.

1) An alternative may be found infeasible if it fails to avoid or substantially lessen the significant and unavoidable impacts of the Project. The evidence demonstrates that HAA 2 would fail to avoid or substantially lessen the significant and unavoidable impacts air quality, noise, and growth inducting impacts of the Project.

2) The evidence also demonstrates that HAA 2 would be financially infeasible. CBRE Consulting's Updated Financial Feasibility Analysis included in the RPDEIR indicates that an IRR of 15 to 25 percent would be the threshold at which the Project or any alternatives, including HAA 2, would be considered financially feasible. As discussed above, the Project would yield a rate of return of approximately 15.2 percent and is therefore feasible. HAA 2 would yield an IRR of approximately 5.3 percent. HAA 2 would not attract the necessary equity capital at that IRR, and is therefore financially infeasible.

3) An alternative may also be found infeasible if it is inconsistent with the Project objectives. As discussed above, the evidence demonstrates that HAA 2 would not meet several key Project Objectives.

4) The City may also reject an alternative that is impractical or undesirable from a policy standpoint as infeasible. As discussed above, substantial evidence demonstrates that HAA 2 would not be consistent with goals and policies of the City's updated General Plan.

For the foregoing reasons, based on substantial evidence in the record, the City Council finds Habitat Avoidance Alternative 2 infeasible and rejects it in favor of the Project.

[12] The Flanders Foundation v. City of Carmel-by-the-Sea (2012) 202 Cal.App. 4th 603, 622.

6.5 Alternative No. 5: Habitat Avoidance Alternative 3 (Avoidance of Jurisdictional Waters Alternative or "HAA 3")

Alternative Description: Although determined not to be significant, after mitigation, based on the Project's environmental analysis, biological resource impacts are considered herein because this alternative has been formulated, as an alternative to mitigation, to potentially avoid or substantially lessen the Project's potentially significant biological resource impacts. The objective of Habitat Avoidance Alternative 3 (Avoidance of Jurisdictional Waters or "HAA 3") is to avoid or substantially reduce significant Project-related impacts affecting on-site waters of the United States (WoUS) under the jurisdiction of the Army Corps of Engineers (ACOE) and waters of the State (WoS) under the jurisdiction of the California Department of Fish and Game (CDFG). For those areas not avoided, this alternative assumes development in accordance with the LCRSP.

Due to the topography in Neighborhood I, much of this area contains jurisdictional waters (many of which are ephemeral). Because it would be impossible to develop those areas and avoid disturbance, much of Neighborhood I has been identified as a "preserved area." In that section of Neighborhood I located to the west of the I-15 Freeway, this alternative would reroute a portion of Sycamore Creek to its historical alignment. As a result of that proposed re-alignment, the area immediately adjacent to the I-15 Freeway has been identified as a "developable area." With respect to the area located further to the east, although the jurisdictional waters in that area would be avoided, the quality of the habitat surrounding those drainages is not high. Although impacts to those drainages would be avoided, the resulting habitat benefit would not be substantial.

The only areas in which jurisdictional waters are present in Neighborhood II are near portions of the proposed revetment and along the northwest section of the site. In the northwest section, waters subject to regulation by the CDFG are present. Impacts to WoS would be avoided in Neighborhood II, and even though there are pockets of land that do not exhibit jurisdictional characteristics in the northwest corner, development is considered infeasible due to the inability to access it given the adjacent jurisdictional area.
In Neighborhood III, with the exception of a small area impacted by revetment construction, the jurisdictional waters would be avoided for the most part through the realignment of this alternative's revetment placement. Due to the alignment of the existing levee, this alternative's proposed revetment line in this area cannot be sited in a manner to both completely avoid impacts to jurisdictional waters and connect to the existing facilities. Similarly, in Neighborhood IV, with the exception of a small area impacted by revetment construction, the jurisdictional waters would be avoided for the most part. Due to the alignment of the existing levee, this alternative's proposed revetment line cannot be sited in such a way to both avoid impacts and connect to the existing facilities and structures.

Under this alternative, a total of 5,846 new dwelling units and 730,893 square feet of non-residential use could be developed on the Project site. Assuming one new primary job for every 250 square feet on non-residential use, a total of 2,924 jobs would be created, producing a jobs-housing ratio of about 0.50.

Comparison of the Effects of the Alternative to the Effects of the Project:

Substantial evidence demonstrates that HAA 3 would not result in the avoidance or substantial reduction of those significant Project-related and cumulative air quality, noise, and growth-inducing impacts associated with the adoption and implementation of the Project.

Air Quality Impacts of the Reduced Residential/Increased Commercial Alternative

- In comparison to the Project, HAA 3 would represent a reduction of 2,561 dwelling units and 118,527 square feet of commercial, office, and light industrial uses. As with the Project, construction of this alternative would generate pollutant emissions through the use of heavy-duty construction equipment and through haul/delivery truck and construction worker trips. The overall amount of building construction would be more under this alternative compared to the Project. However, fugitive dust and pollutant emissions from grading operations would be similar on a daily basis, as the duration and not the intensity of these activities could increase compared to the Project. Maximum daily site grading operations would still require the same amount of heavy-duty construction equipment and would result in 50 acres of disturbed area per day. However, with the reduction in overall square footage, a decrease in the use of on-site equipment and vehicular trips proportional to the decrease in square footage would be anticipated during building construction.
- The construction emissions generated by HAA 3 would be incrementally less than those of the Project over the construction phase, but would still result in regional and localized air quality impacts. Those impacts would be significant and unavoidable for regional CO, NO_X, PM_{10}, $PM_{2.5,}$, and VOC, and localized PM_{10} and $PM_{2.5}$.
- In comparison to the Project, HAA 3 would reduce unmitigated maximum daily overlapping construction emissions by 21 percent for CO (456 pounds per day), 11 percent for VOC (26 pounds per day), 6 percent for PM_{10} (116 pounds per day), 5 percent for $PM_{2.5}$ (25 pounds per day), and similar amounts of NO_X and $SO_{X.}$ After implementation of Mitigation Measures 7-1 through 7-9, daily emissions would be reduced, but HAA 3 emissions would cause significant and unavoidable for regional CO, NO_X, PM_{10}, $PM_{2.5,}$, and VOC, and localized PM_{10} and $PM_{2.5}$.
- After mitigation, localized construction phase PM_{10} emissions would be approximately 72.7 µg/m^3 and $PM_{2.5}$ emissions would be approximately 16.3 µg/m^3, which would still exceed the SCAQMD threshold of 10.4 µg/m^3. Thus, like the Project, impacts associated with these localized impacts under this Alternative would be significant and unavoidable even with incorporation of mitigation measures
- Maximum daily operational emissions for HAA 3 would result in 609 pounds per day of VOC, 512 pounds per day of NO_X, 2,431 pounds per day of CO, 24 pounds per day of SO_X, 933 pounds per day of PM_{10}, and 187 pounds per day of $PM_{2.5}$. In comparison to the Project, this alternative would reduce maximum daily operational emissions by 32 percent for VOC (281 pounds per day), 34 percent for NO_X (262 pounds per day), 39 percent for CO (1,573 pounds per day), 28 percent for SO_X (9 pounds per day), 42 percent for PM_{10} (671 pounds per day), and 41 percent for $PM_{2.5}$ (132 pounds per day). However, the total contributions to regional emissions under this alternative would remain significant for CO, NO_X, PM_{10}, $PM_{2.5}$, and VOC, as is the case with the Project.
- This alternative, like the Project, would be generally consistent with the SCAQMD's current Air Quality Management Plan (AQMP). However, localized modeling shows that site construction under HAA 3 would result in a substantial increase, defined as ≥10.4 µg/m^3 of PM_{10} and $PM_{2.5}$ averaged over a 24-hour period, in construction-related particulate emissions. As such, as with the Project, HAA 3 would add cumulatively to an

exceedance of particulate standards. Since the goal of the AQMP is to protect receptors from exceedance conditions, with regard to projected short-term particulate emissions, this alternative would not appear to comply with that provision of the AQMP. Thus, similar to the Project, a significant and unavoidable impact would result.

Noise Impacts of the Reduced Residential/Increased Commercial Alternative

- As with the Project, HAA 3 would result in significant and unavoidable operational noise impacts. Daily traffic volumes would be approximately 25 percent less under this alternative than forecasted to occur under the Project due to the reduction of dwelling units and total square footage of non-residential land uses. This reduction in traffic would occur across the local roadway network and beyond. As such, operational traffic noise impacts under this alternative would be incrementally less than the Project. However, noise levels generated by HAA 3 would exceed the significance threshold of 3.0 dBA CNEL at two intersections, resulting in an increase of 3.1 dBA CNEL on Riverside Avenue (between Alder Avenue and Locust Avenue) and 4.4 dBA CNEL on Country Club Drive (north of Riverside Avenue). With the 25 percent reduction in traffic, the increase in noise levels along Riverside Avenue (between Alder Avenue and Locust Avenue) would be reduced to 3.0 dBA CNEL and 3.5 dBA CNEL for Country Club Drive (north of Riverside Avenue). While the noise levels along these roadway segments would be reduced under HAA 3, noise impacts along Country Club Drive (north of Riverside Avenue) and along the south (west) side of Riverside Avenue (between Alder Avenue and Locust Avenue) would be considered significant under Criterion 2 (cause ambient noise levels to increase by 3 dBA CNEL or more at a sensitive receptor location and the resulting noise exceeds 65 dBA CNEL). Thus, as with the Project, these operational noise impacts would be significant and unavoidable.
- The changes in building massing and configuration that occur under this alternative reflect changes to on-site development that would not result in materially different construction noise impacts than those forecasted for the Project. As with the Project, HAA 3 would include individual pieces of construction equipment that would produce maximum noise levels of 76 dBA to 90 dBA at a reference distance of 50 feet from the noise source. Any location with an uninterrupted line-of-sight to the construction noise sources could periodically be exposed to temporary noise levels that would exceed 75 dBA at distance of less than 150 feet from the noise source. Consistent with the Project, construction activities associated with HAA 3 would be conducted in compliance with the City's Noise Ordinance and as such would result in a less than significant impact.

Growth Inducing Impacts of the Reduced Residential/Increased Commercial Alternative

- As with the Project, HAA 3 would result in a significant growth-inducing impact. A significant growth-inducing impact will occur if a project conflicts with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project, or includes substantial population growth in an area either directly or indirectly. In total, HAA 3 would result in the development of approximately 5,846 new dwelling units and 730,893 square feet of non-residential uses on the Project site.
- When compared with the amount of development that might otherwise be constructed on-site under existing City and County zoning, HAA 3 would result in approximately 3,613 additional residential units and approximately 366,525 less square feet of non-residential uses. Assuming an average household size of 3.89 persons per household and one new primary job for every 250 square feet on non-residential use, a total estimated population of 22,741 persons and 2,924 jobs would be created. Accordingly, when compared with the existing zoning scenario, this alternative would foster a

population increase of 14,125 individuals and would result in a reduction of 1,466 primary jobs. While HAA 3 would result in a reduction in primary jobs, it would result in a substantial increase in population growth in the general Project area when compared to the population growth that would occur with development under existing zoning.

- Based on the above, with the adoption of a specific plan and other discretionary actions under HAA 3, the changes in jurisdictional authority and land use regulations would result in an intensification of uses and substantial growth beyond what is allowable under the existing City and County zoning. As such, like the Project, HAA 3 would result in a significant growth-inducing impact.

Financial Infeasibility: In response to the Court Ruling, an updated Financial Feasibility Analysis of the Lytle Creek Ranch Specific Plan Project and Alternatives to the Project Discussed in the Lytle Creek Ranch Specific Plan EIR was prepared by CBRE Consulting, a real estate and urban economics consulting firm, and included in the RPDEIR. This includes a detailed analysis of the financial feasibility of the Project and HAA 3.

- To assess the financial feasibility of the Project and the alternatives to the Project, CBRE developed a model that calculated the total development costs, estimated the lot sales revenues over the expected 20-year life of the Project, and calculated the return on investment of the Project and the Alternatives, including HAA 3. As discussed in detail in the Updated Financial Feasibility Analysis, land development costs were calculated based on estimates of major cost categories and indirect costs, and finished lot prices were based on a detailed appraisal report.
- To determine whether the Project and the Habitat Avoidance Alternatives would be financially feasible, CBRE calculated the Internal Rate of Return (IRR) for each. IRR is the industry standard measurement used to evaluate long-term capital real estate investments. Capital investment in real estate development is a high-risk venture, and in order to obtain financing commitments, developers must be able to demonstrate sufficient returns to offset the risks related to development and construction costs. As detailed in the analysis, CBRE determined that an IRR of 15 to 25 percent would be the threshold at which the Project or the alternatives would be considered financially feasible. This IRR range represents typical industry standards for rate of return thresholds.
- Based on the detailed analysis in the Updated Financial Feasibility Analysis included in the RPDEIR, the Project would yield a return of approximately 15.2 percent, which falls within the industry standard rate of return thresholds of 15 to 25 percent. The Project would thus be financially feasible.
- As discussed above, HAA 3 would include a total of 5,846 dwelling units and 730,893 square feet of commercial, office, and light industrial uses, a reduction of approximately 2,561 dwelling units and 118,527 square feet of non-residential uses compared to the Project. Among the other amenities included in the Project but eliminated in HAA 3, the enhanced Grand Paseo Park would not be part of HAA 3. Although development costs associated with HAA 3 would be reduced in comparison to the Project, the total value of the Project would be substantially reduced.
- Based on the detailed analysis provided in the Updated Financial Feasibility Analysis, HAA 3 would result in an IRR of approximately 7.1 percent, 8.1 percent less than the Project's IRR. While HAA 3 would generate positive cash flow before financing costs, under current market conditions this alternative would not yield a return adequate to attract the necessary equity capital. As described above, an IRR of 15 to 25 percent is considered the industry standard threshold that reflects an acceptable level of risk for

long-term capital investments. Thus, the substantial reduction in the IRR under this alternative when compared with the Project is sufficiently severe as to render it not financially feasible.

- The City finds that the reduction of units and other changes in development required under HAA 3 would make it financially infeasible, based on the detailed analysis in the Updated Financial Feasibility Analysis, included as Appendix V-E to the RPDEIR, and the Final RPEIR.

Failure to Meet Project Objectives and Key General Plan Policies: HAA 3 would result in development of generally the same types of uses as associated with the Project, and at similar densities. However, the City finds that this alternative would not achieve a number of the key Project Objectives, or would achieve them to a lesser degree than the Project. HAA 3 is undesirable from a policy standpoint as it would not sufficiently support the City's interest in promoting several important goals and policies.

Failure to Meet Key Project Objectives

As discussed in detail in the June 8, 2012 Memorandum from Stephanie Eyestone Jones to Gina Gibson, "Lytle Creek Ranch Specific Plan – Supplemental Alternatives Analysis," HAA 3 would not sufficiently achieve many of the City's and the Applicant's key Project Objectives, in addition to the City General Plan policies and goals. This alternative would achieve most, but not all, of the key Project Objectives, but would not achieve many of the Project Objectives to the same degree as the Project.

- HAA 3 would meet most of the Lead Agency objectives (LA-1 through LA-10) identified for the Project, although to varying degrees. Specifically, LA-1 through LA-3 and LA-5 would be attained to largely the same degree as the Project. However, the alternative would not achieve LA-4 to the same extent as the Project. Although the provision of 5,846 residential units under this alternative would be more than sufficient to meet the City's projected housing need of 4,323 units (as identified in SCAG's Final Regional Housing Needs Allocation Plan for the planning period of January 1, 2006, to June 30, 2014), this alternative would not provide as many dwelling units as the Project (i.e., 8,407 units). While HAA 3 would generally meet objective LA-4, it would not do so to the same degree as the Project due to the relative reduction in the number of residential units provided.
- Objective LA-6 also would be met to a lesser extent than the Project. Due to the reduced amount of both residential and non-residential development associated with HAA 3 as compared to the Project, the alternative would not expand economic opportunities to the same degree nor would it generate as much tax revenue. Consequently, the economic benefits to the City would be reduced as compared to those associated with the Project. For similar reasons, the alternative would not attain LA-10. As discussed above, the alternative was determined not to be financially feasible and thus cannot be considered fiscally prudent.
- This alternative would also attain LA-7 and LA-9. By providing a reduced amount of both residential and non-residential development as compared to the Project, HAA 3 would generate a smaller residential and employment population, thus resulting in a lesser demand for City and County services, including the demand for sewer capacity. Objective LA-8 would be met due to the extent of preservation of jurisdictional waters and the associated natural habitat.
- The Applicant's Project-specific objectives (A-1 through A-16) would also be met to varying degrees in comparison to the Project. Objectives A-4, A-10, and A-13 through A-15 would generally be attained based on development elements similar to those of the

Project, including the provision of landscaping with native plants, the development of a compatible mix of local-serving uses that exhibit positive community character, the protection of groundwater resources, the incorporation of "green" and sustainable practices, and the implementation of design safety features and revetment improvements. Attainment of A-11 would be mixed under the alternative, as portions of the Project site would be annexed into the City similar to the Project, but fiscal benefits would be reduced while biological resource protection would be comparable to that of the Project.

- The objectives relating to amenities and economic benefits would be achieved to a somewhat lesser extent than the Project. Objectives A-1, A-6, and A-12 involve the provision of amenities such as parks, recreation and open space areas, pedestrian trails, and bike lanes, while A-7 and A-8 specifically refer to the provision of a golf course. The alternative would provide three recreation centers including a fitness center/spa and club house, a modernized public golf course, a Paseo Park of approximately 10.2 acres in size with active recreation, a new elementary school with a 5.1-acre park, and a new K–8 school with a 12.1-acre park, but would not include a sports park like the Project. In addition, the alternative would not offer the same accessibility to recreational opportunities since fewer amenities would be provided. Consequently, objectives A-1, A-6 through A-8, and A-12 would be partially attained/not attained to the same extent as under the Project.
- HAA 3 would not expand economic opportunities to the same degree as the Project nor would it generate as much tax revenue for the City. Job growth would also not be as extensive, as the alternative would generate an estimated 2,924 jobs in comparison to the Project's 3,398 jobs. Furthermore, the alternative was determined not to be financially feasible. While Objective A-5 would be partially attained/attained to a lesser extent than the Project, A-16 would not be attained by HAA 3.
- Objective A-9 relates to the City's housing needs, which are addressed in detail above with respect to LA-4. In addition, the alternative's reduced number of units may result in a narrower range of available prices/rents on the Project site, which would not be able to meet the needs of all segments of the community. As previously concluded, the alternative would not meet the City's housing needs to the same extent as the Project due to the provision of fewer residential units. As such, the alternative would only partially attain A-9.
- Objectives A-2 and A-3 involve the protection of natural habitat. These objectives would be met due to the preservation of jurisdictional waters and the associated natural habitat under the alternative, as previously discussed.
- In summary, HAA 3 would achieve most of the Project objectives but would not attain two of them: LA-10 and A-16. Ten objectives (LA-4, LA-6, A-1, A-5 through A-9, A-11, and A-12) would be met to a lesser degree than the Project. Overall, the alternative would not meet the Project objectives as well as the Project.

Failure to Satisfy Key Goals and Policies of the General Plan

- In December 2010, the City adopted an updated General Plan, which was only in draft form at the time the City first approved the Project and certified the original FEIR. As with the Project objectives, the City's General Plan contains goals and policies regarding financial impacts and economic development. Those policies are key to the City, especially considering the financial strains it is currently undergoing. The Project is fully consistent with the applicable goals and policies of the updated General Plan. Although HAA 3 would be consistent with many of these City goals and policies, it not meet two key economic goals. The June 8, 2012 Memorandum from Stephanie Eyestone Jones

to Gina Gibson, "Lytle Creek Ranch Specific Plan – Supplemental Alternatives Analysis" contains a detailed analysis of this alternative's consistency with the goals and policies of the General Plan.

- HAA 3 would be inconsistent would be inconsistent two key City economic goals identified in the General Plan, Goals 2-7 ("encourage all annexations that will provide a benefit to the City") and 3-1 ("strengthen and diversify the economic base and employment opportunities, and maintain a positive business climate").

Additional Environmental Impacts Resulting from the Selection of this Alternative: Although HAA 3 would result in a substantial reduction in impacts to jurisdictional water, it would not avoid those impacts altogether. Additionally, selection of this alternative would not, in and of itself, reduce any of the Project's significant or potentially significant impacts to a less-than-significant level.

Conclusion: Under CEQA, where an EIR has identified significant environmental effects that have not been mitigated or avoided, the lead agency may nonetheless approve the Project if it finds that "[s]pecific economic, legal, social, technological, or other considerations... make infeasible the mitigation measures or alternatives identified in the environmental impact report."[13] In such a situation, the lead agency's task with respect to project approval must include an evaluation as to whether the identified alternatives are "actually feasible."[14] CEQA defines "feasible" as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors."[15] An agency "may reject [project] alternatives if it properly finds them to be infeasible for **any** of the statutorily specified reasons, including economic infeasibility."[16] In addition, an agency may reject project alternatives for being inconsistent with project objectives, or for conflicting with or inadequately accommodating agency planning goals and policies. Substantial evidence in the record demonstrates that the Reduced Residential/Increased Commercial Alternative is infeasible.

1) Under CEQA, alternatives should avoid or substantially lessen any of the significant and unavoidable impacts of the Project under evaluation. Substantial evidence demonstrates that HAA 3 would fail to do so. It would not avoid or substantially lessen the Project's significant and unavoidable air quality, noise, and growth inducing impacts.

2) An alternative may be found infeasible on economic grounds, so long as that finding is supported by substantial evidence. The feasibility question is "whether the marginal costs of the alternative as compared to the cost of the Project are so great that a reasonably prudent property owner would not proceed with the [alternative]."[17] Here, the evidence demonstrates that HAA 3 would be financial infeasible. CBRE Consulting's Updated Financial Feasibility Analysis included in

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13 Public Resources Code, § 21081, subdivision (a)(3); CEQA Guidelines, § 15091, subdivision (a)(3).

14 California Native Plant Society v. City of Santa Cruz (2009) 177 Cal.App.4th 957, 981.

15 Public Resources Code, § 21061.1; see also CEQA Guidelines, § 15364 (defining feasible as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors").

16 The Flanders Foundation v. City of Carmel-by-the-Sea (2012) 202 Cal.App. 4th 603, 622.

17 Id.

Appendix V-E of the RPDEIR indicates that an IRR of 15 to 25 percent would be the threshold at which the Project or any alternatives, including HAA 3, would be considered financially feasible. As discussed above, the Project would yield a rate of return of approximately 15.2 percent and is therefore feasible. This alternative would result in an IRR of only approximately 7.1 percent. This alternative would not attract the necessary equity capital at that IRR, and is therefore financially infeasible.

3) An alternative may also be found infeasible if it is inconsistent with the Project Objectives. Key Project Objectives identified by both the Lead Agency and the Applicant involve fiscal and economic concerns. The City is currently facing one of its most challenging budget cycles in its history. Revenues have decreased while expenditures have significantly increased. The City cannot continue to operate long term with a structural deficit in the General Fund. Accordingly, it is key to the City that new development projects be financially feasible. Under CEQA, an agency may find an alternative to be infeasible for failing to meet a Project Objective that the development be economically feasible.[18] As the Updated Financial Feasibility Analysis demonstrates, HAA 3 would be financially infeasible and would not attain Project Objectives LA-10 ("private development activities should be deemed by the City to be fiscally prudent") and A-16 ("undertake development of the Project site in a manner that is economically feasible and balanced to address both the Applicant's and the City's economic concerns").

4) The City may also reject "an alternative that 'is impractical or undesirable from a policy standpoint" as infeasible, so long as that finding is supported by substantial evidence.[19] As summarized above and discussed in detail in the June 8, 2012 Memorandum from Stephanie Eyestone-Jones to Gina Gibson, Lytle Creek Ranch Specific Plan – Supplemental Alternatives Analysis," the Reduced Residential/Increased Commercial Alternative would be inconsistent with key City goals in the General Plan.

For the foregoing reasons, based on substantial evidence in the record, the City Council finds that HAA 3 is infeasible and rejects it in favor of the Project.

6.6 Alternative No. 6: Reduced Residential/Increased Commercial Alternative

Alternative Description: Although the possible regional benefits of this alternative may not be perceptible based on a Project level, the objective of the Reduced Residential/Increased Commercial Alternative is to promote a reduction in the number of vehicle trips, vehicle miles traveled (VMT), and traffic congestion through the promotion of additional employment opportunities within the City. By promoting a jobs-housing balance, this alternative seeks to avoid or substantially reduce significant or potentially significant impacts associated with a regional or subregional jobs-housing imbalance, including associated potential traffic and air quality impacts. Accordingly, this alternative would increase the on-site acreage allocated to employment-generating land uses, decrease the acreage of residential uses and, in so doing,

18 Association of Irritated Residents v. County of Madera (2003) 107 Cal.App.4th 1383, 1399-1401.

19 California Native Plant Society v. City of Santa Cruz (2009) 177 Cal.App.4th 957, 1001.

shift the balance between those two variables in favor of jobs over housing. Except where new industrial uses are proposed, this alternative assumes development in accordance with the proposed LCRSP.

The Southern California Association of Governments' (SCAG's) Compass Blueprint states that balancing the location of jobs and housing is an important strategy in meeting regional goals of relieving congestion, reducing commute times and vehicle trips, encouraging alternative modes of transportation, and improving air quality. Similarly, the 1996 Regional Comprehensive Plan and Guide (RCPG) states that it is SCAG's policy to "encourage employment development in job-poor localities" (1996 RCPG, Policy, 3-26). In addition, it is the City's policy to "improve the balance between jobs and housing in order to create a more efficient urban form and/or reduce the vehicle miles traveled" (Conservation Element, Goal 5.2) and "improve the jobs-housing balance through new development and redevelopment project review and actions" (Conservation Element, Policy 5.2.6). The San Bernardino County Housing Element states that the County seeks to "[f]acilitate a job/housing balance with the objective of a ratio of 1.2 jobs to 1 dwelling unit."[20]

As indicated in Table 3-5 of the original DEIR (Population, Household, and Employment Forecasts for the City of Rialto—2008 Regional Transportation Plan), between 2010 and 2030, based on SCAG's growth projections, the LCRSP will consume 83.1 percent of all the housing growth but only 24.2 percent of the employment growth over that time period. Although the City is projected to remain "balanced" during that time period, the proposed Project does not, in and of itself, promote the attainment of those goals. During that same time period, unincorporated San Bernardino County areas, which are now categorized as "jobs poor" will continue to move further away from a jobs-housing balance.

Under this alternative, a total of 6,090 dwelling units and 7,037,118 square feet of commercial and light industrial uses could be developed on the Project site. Assuming one new primary job for every 250 square feet on commercial use and one new primary job for every 500 square feet of light industrial use, a total of 15,773 jobs would be created, producing a jobs-housing ratio of about 2.59. Because that figure may over-estimate the actual number of new jobs that would likely be created under this alternative, a more precise estimate can be derived based on recent SCAG data and the land use assumptions presented herein.

Based on the employee-per-square-foot generation rates presented in Table 4.2-19 of the original DEIR (Derivation of Square Feet per Employee based on Average Employees per Acre and Average Floor-Area-Ratio for San Bernardino County) and the alternative-based land use assumptions presented in Table 7-7 of the original DEIR (Reduced Residential/Increased Commercial Alternative), a more precise estimation of new permanent jobs can be produced for this alternative. Assuming that the Village Center Commercial (VC) district were to be equally divided between low-rise offices and other retail services and that "light manufacturing" is synonymous with "light industrial," as indicated in Table 7-8 of the original DEIR (Estimated Number of New Primary Job Opportunities Associated with the Reduced Residential/Increased Commercial Alternative), a total of between 3,598 and 12,811 new primary jobs would be generated under this alternative. Applying the lower of the two job estimates, a jobs-housing ratio

[20] County of San Bernardino Housing Element, Housing Program 13-d, p. 171.

of 0.91 can be calculated. Applying the higher of the two job estimates, a jobs-housing ratio of 2.10 can be calculated.

If general warehousing and distribution center facilities were to be developed on the Project site as the primary non-residential land uses, those facilities would be developed in general accordance with the Western Riverside Council of Governments' "Good Neighbor Guidelines for Siting New and/or Modified Warehouse/Distribution Facilities." Those guidelines include the following goals: (1) Minimize exposure to diesel emissions to neighbors that are situated in close proximity to the warehouse/distribution center; (2) Eliminate diesel trucks from unnecessarily traversing through residential neighborhoods; (3) Eliminate trucks from using residential areas and repairing vehicles on the streets; (4) Reduce and/or eliminate diesel idling within the warehouse/distribution center; (5) Establish a diesel minimization plan for on- and off-street diesel mobile sources to be implemented with new projects; (6) Establish an education program to inform truck drivers of the health effects of diesel particulate and the importance of reducing their idling time; and (7) Establish a public outreach program and conduct periodic community meetings to address issues from neighbors.[21]

Comparison of the Effects of the Alternative to the Effects of the Project:
Substantial evidence demonstrates that the Reduced Residential/Increased Commercial Alternative would not result in the avoidance or substantial reduction of those significant Project-related and cumulative air quality, noise, and growth-inducing impacts associated with the adoption and implementation of the Project.

Air Quality Impacts of the Reduced Residential/Increased Commercial Alternative

- In comparison to the Project, this would represent a reduction of approximately 2,317 dwelling units and an increase of 6,187,700 square feet of commercial, office, and light industrial uses. As with the Project, construction of this alternative would generate pollutant emissions through the use of heavy-duty construction equipment and through haul/delivery truck and construction worker trips. The overall amount of building construction would be more under this alternative compared to the Project. However, fugitive dust and pollutant emissions from grading operations would be similar on a daily basis, as the duration and not the intensity of these activities could increase compared to the Project. Maximum daily site grading operations would still require the same amount of heavy-duty construction equipment and would result in 50 acres of disturbed area per day. However, with the increase in overall square footage, an increase in the use of on-site equipment and vehicular trips proportional to the increase in square footage would be anticipated during building construction. Proposed construction under this alternative would not change the proximity of proposed construction activities from off-site sensitive receptors.
- The construction emissions generated by this alternative would be incrementally more than those of the Project over the construction phase and would result in regional and localized air quality impacts. Those impacts would be significant and unavoidable for regional CO, NO_X, PM_{10}, $PM_{2.5}$,, and VOC, and localized PM_{10} and $PM_{2.5}$.
- In comparison to the Project, this alternative would increase unmitigated maximum daily overlapping construction emissions by 15 percent for CO (328 pounds per day), 37 percent for VOC, (87 pounds per day) 1 percent for PM_{10} (17 pounds per day), 3 percent for $PM_{2.5}$ (12 pounds per day), 34 percent for NO_X (415

[21] Western Riverside Council of Governments, Good Neighbor Guidelines for Siting New and/or Modified Warehouse/Distribution Facilities, Final, September 12, 2005.

pounds per day), and a similar amount of SO_X. After implementation of Mitigation Measures 7-1 through 7-9, daily emissions would be reduced, but Reduced Residential/Increased Commercial Alternative emissions would cause significant and unavoidable for regional CO, NO_X, PM_{10}, $PM_{2.5,}$, and VOC, and localized PM_{10} and $PM_{2.5}$.

- After mitigation, localized construction phase PM_{10} emissions would be approximately 68.2 µg/m^3 and $PM_{2.5}$ emissions would be approximately 15.4 µg/m^3, which would still exceed the SCAQMD threshold of 10.4 µg/m^3. Thus, like the Project, impacts associated with these localized impacts under this Alternative would be significant and unavoidable even with incorporation of mitigation measures
- Maximum daily operational emissions for this alternative would result in 863 pounds per day of VOC, 936 pounds per day of NO_X, 4,258 pounds per day of CO, 51 pounds per day of SOX, 1,684 pounds per day of PM10, and 340 pounds per day of $PM_{2.5}$. In comparison to the Project, this alternative would reduce maximum daily operational emissions by three percent for VOC (28 pounds per day) and increase maximum daily operational emissions by 21 percent for NO_X (163 pounds per day), 6 percent for CO (254 pounds per day), 54 percent for SOX (18 pounds per day), 5 percent for PM10 (79 pounds per day), and 6 percent for PM2.5 (20 pounds per day). However, the total contributions to regional emissions under this alternative would remain significant for CO, NO_X, PM_{10}, $PM_{2.5}$, and VOC, as is the case with the Project.
- This alternative, like the Project, would be generally consistent with the SCAQMD's current Air Quality Management Plan (AQMP). However, localized modeling shows that site construction under this alternative would result in a substantial increase, defined as ≥10.4 µg/m^3 of PM_{10} and $PM_{2.5}$ averaged over a 24-hour period, in construction-related particulate emissions. As such, as with the Project, this alternative would add cumulatively to an exceedance of particulate standards. Since the goal of the AQMP is to protect receptors from exceedance conditions, with regard to projected short-term particulate emissions, this alternative would not appear to comply with that provision of the AQMP. Thus, similar to the Project, a significant and unavoidable impact would result.

Noise Impacts of the Reduced Residential/Increased Commercial Alternative

- As with the Project, the Reduced Residential/Increased Commercial Alternative would result in significant and unavoidable operational noise impacts. Daily traffic volumes would be approximately 27 percent more under this alternative than forecasted to occur under the Project, due to the increase in total square footage of non-residential land uses even with the reduction of dwelling units. Increases in project-related traffic noise levels under this alternative would exceed the significance threshold of 3.0 dBA CNEL at two intersections, resulting in an increase of 3.1 dBA CNEL on Riverside Avenue (between Alder Avenue and Locust Avenue) and 4.4 dBA CNEL on Country Club Drive (north of Riverside Avenue). With the 27 percent increase in traffic, the increase in noise levels along Riverside Avenue (between Alder Avenue and Locust Avenue) would increase to 3.5 dBA CNEL and 4.9 dBA CNEL for Country Club Drive (north of Riverside Avenue). The noise levels along these roadway segments would increase compared with the Project and would be considered significant under Criterion 2 (cause ambient noise levels to increase by 3 dBA CNEL or more at a sensitive receptor location and the resulting noise exceeds 65 dBA CNEL). Thus, as with the Project, these operational noise impacts would be significant and unavoidable. In fact, this alternative would also result in a significant impact to an additional roadway segment on Riverside Avenue (between Sierra Avenue and Alder Avenue), with an increase from 2.9 dBA CNEL to 3.3 dBA CNEL.

- The changes in building massing and configuration that occur under this alternative reflect changes to on-site development that would not result in materially different construction noise impacts than those forecasted for the Project. As with the Project, this alternative would include individual pieces of construction equipment that would produce maximum noise levels of 76 dBA to 90 dBA at a reference distance of 50 feet from the noise source. Any location with an uninterrupted line-of-sight to the construction noise sources could periodically be exposed to temporary noise levels that would exceed 75 dBA at distance of less than 150 feet from the noise source. Consistent with the Project, construction activities associated with this alternative would be conducted in compliance with the City's Noise Ordinance and as such would result in a less than significant impact.

Growth Inducing Impacts of the Reduced Residential/Increased Commercial Alternative

- As with the Project, the Reduced Residential/Increased Commercial Alternative would result in a significant growth-inducing impact. A significant growth-inducing impact will occur if a project conflicts with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project, or includes substantial population growth in an area either directly or indirectly. Under this alternative, a total of 6,090 dwelling units and 7,037,118 square feet of commercial and light industrial uses could be developed on the project site.
- When compared with the amount of development that might otherwise be constructed on-site under existing City and County zoning, this alternative would result in approximately 3,875 additional residential units and approximately 5,939,700 more square feet of non-residential uses. Assuming an average household size of 3.89 persons per household, one new primary job for every 250 square feet of commercial uses, and one new primary job for every 500 square feet of light industrial uses, an estimated total of 23,690 residents and up to 15,773 jobs would be generated. Accordingly, when compared with the existing zoning scenario, this alternative would foster an increased population of 15,074 individuals and 11,383 additional primary jobs. As such, this alternative would result in a substantial increase in population and job growth in the general Project area when compared to the population growth that would occur with development under existing zoning.
- As the types of uses proposed under this alternative would be similar to those proposed under the Project, this alternative would require similar discretionary actions as the Project, including, but not limited to, a Pre-Annexation and Development Agreement, a General Plan Amendment and approval of a specific plan. These changes in jurisdictional authority and land use regulations under this alternative would result in an intensification of uses and substantial growth beyond what is allowable under the existing City and County zoning. As such, like the Project, this alternative would result in a significant growth inducing impact.

Financial Infeasibility: In response to the Court Ruling, an Updated Financial Feasibility Analysis of the Lytle Creek Ranch Plan Project and Alternatives to the Project Discussed in the Lytle Creek Ranch Specific Plan EIR was prepared by CBRE Consulting and included as Appendix V-E of the RPDEIR. An addendum to that analysis prepared by Thomas Jirvosky that analyzes the financial feasibility of the Reduced Residential/Increased Commercial Alternative was included as Appendix B to the June 8, 2012 Memorandum from Stephanie Eyestone Jones to Gina Gibson, "Lytle Creek Ranch Specific Plan – Supplemental Alternatives Analysis."

- To assess the financial feasibility of the Project and the alternatives to the Project, CBRE developed a model that calculated the total development costs, estimated the lot sales revenues over the expected 20-year life of the Project, and calculated the return on investment of the Project and the alternatives, including the Reduced Residential/Increased Commercial Alternative. Land development costs were calculated based on estimates of major cost categories and indirect costs, and finished lot prices were based on a detailed appraisal report. As discussed in detail in Appendix B to the June 8, 2012 Memorandum from Stephanie Eyestone Jones to Gina Gibson, "Lytle Creek Ranch Specific Plan – Supplemental Alternatives Analysis," the addendum to that analysis used the same methodology.
- To determine whether the Project and the project alternatives would be financially feasible, CBRE calculated the Internal Rate of Return (IRR) for the Project. IRR is the industry standard measurement used to evaluate long-term capital real estate investments. Capital investment in real estate development is a high-risk venture, and in order to obtain financing commitments, developers must be able to demonstrate sufficient returns to offset the risks related to development and construction costs. As detailed in the analysis, CBRE determined that an IRR of 15 to 25 percent would be the threshold at which the Project or the alternatives would be considered financially feasible. This IRR range represents typical industry standards for rate of return thresholds.
- Based on the detailed analysis in the Updated Financial Feasibility Analysis included in the RPDEIR, the Project would yield a return of approximately 15.2 percent, which falls within the industry standard rate of return thresholds of 15 to 25 percent. The Project would thus be financially feasible.
- As discussed above, this alternative would include a total of 6,090 dwelling units and 7,037,118 square feet of commercial and light industrial uses, which represents a reduction of approximately 2,317 dwelling units and an increase of 6,187,698 square feet of non-residential uses compared to the Project. In terms of amenities, this alternative would include all of the amenities of the Project with the exception of the 35-acre sports park, a portion of the Grand Paseo Park, and one of the recreation centers planned under the Project. This alternative would include a modernized golf course, a 5.1-acre park adjacent to a new elementary school, a 12.1-acre park adjacent to a new K–8 school, a Grand Paseo Park envisioned with active uses, and three recreation centers. However, due to the large quantity of industrial uses scattered throughout this alternative's proposed planning areas, this alternative would not be developed as a master planned community. As such, this alternative would not be gated, would not have any monumentation/definition, and would not have neighborhood entry definition.
- Based on the detailed analysis provided in the addendum Updated Financial Feasibility Analysis prepared by Thomas Jirovsky, this alternative would result in an IRR of approximately 8.6 percent, 6.6 percent less than the Project's IRR. Under current market conditions, this alternative would not yield a return adequate to attract the necessary equity capital. As described above, an IRR of 15 to 25 percent is considered the industry standard threshold that reflects an acceptable level of risk for long-term capital investments. Thus, the substantial reduction in the IRR under this alternative when compared with the Project is sufficiently severe as to render it not financially feasible.
- The City finds that the reduction of units and other changes in development required under the Reduced Residential/Increased Commercial Alternative would make it financially infeasible, based on the detailed analysis in the Updated Financial Feasibility Analysis included in Appendix B to the June 8, 2012 Memorandum from Stephanie

Eyestone Jones to Gina Gibson, "Lytle Creek Ranch Specific Plan – Supplemental Alternatives Analysis" and the Updated Financial Feasibility Analysis included in Appendix V-E to the RPDEIR.

Failure to Meet Project Objectives and Key General Plan Policies: The Reduced Residential/Increased Commercial Alternative would result in development of generally the same types of uses as associated with the Project, but would change the mix of residential and commercial and light industrial uses to be built The City finds that this alternative would not achieve a number of the key Project Objectives, or would achieve them to a lesser degree than the Project. The Reduced Residential/Increased Commercial Alternative is undesirable from a policy standpoint as it would not sufficiently support the City's interest in promoting several important objectives and policies.

Failure to Meet Key Project Objectives

As discussed in detail in the June 8, 2012 Memorandum from Stephanie Eyestone Jones to Gina Gibson, "Lytle Creek Ranch Specific Plan – Supplemental Alternatives Analysis," the Reduced Residential/Increased Commercial Alternative would not sufficiently achieve many of the City's and the Applicant's key Project Objectives, in addition to the City policies and goals. This alternative would achieve most, but not all, of the key Project Objectives, and would not achieve many of the Project Objectives to the same degree as the Project.

- The Reduced Residential/Increased Commercial Alternative would generally meet the City's General Plan objectives (GP-1 through GP-4) identified for the Project. However, the substantial amount of non-residential development, potentially including extensive industrial development, that would occur under this alternative would not promote land use compatibility to the same degree as the Project. Further, this alternative would not focus on the preservation of natural habitat to the same extent. As such GP-2 and GP-3 would not be achieved to the same degree under this alternative as under the Project.
- The alternative would also meet most of the Lead Agency objectives (LA-1 through LA-10) identified for the Project, although to varying degrees. Specifically, LA-2 and LA-3 would only be partially attained since the alternative would not promote land use compatibility to the same degree as the Project. Additionally, the alternative would not achieve LA-4 to the same extent as the Project. Although the provision of 6,090 residential units under this alternative would be more than sufficient to meet the City's projected housing need of 4,323 units (as identified in SCAG's Final Regional Housing Needs Allocation Plan for the planning period of January 1, 2006, to June 30, 2014), this alternative would not provide as many dwelling units as the Project (i.e., 8,407 units). While the Reduced Residential/Increased Commercial Alternative would generally meet objective LA-4, it would not do so to the same degree as the Project due to the relative reduction in the number of residential units provided.
- Objective LA-8 would be met to a lesser extent than the Project since this alternative would not focus on the preservation of natural habitat to the same extent.
- The Applicant's Project-specific objectives (A-1 through A-16) would also be met to varying degrees in comparison to the Project. Objectives A-4 and A-13 through A-15 would generally be attained based on development elements similar to those of the Project, including the provision of landscaping with native plants, the protection of groundwater resources, the incorporation of "green" and sustainable practices, and the implementation of design safety features and revetment improvements. Objective A-10 would be partially attained/attained to a lesser extent than the Project due to the proliferation of non-residential development, in particular light industrial development,

that may not reflect the same degree of community character and pedestrian-friendly design as the Project. Attainment of A-11 would be mixed under the alternative, as portions of the Project site would be annexed into the City similar to the Project, but as discussed herein with respect to other objectives, land use compatibility would be reduced while biological resource protection would be reduced compared to the Project.

- The objectives relating to project amenities and economic benefits would be achieved to a lesser extent than the Project. Objectives A-1, A-6, and A-12 involve the provision of amenities such as parks, recreation and open space areas, pedestrian trails, and bike lanes, while A-7 and A-8 specifically refer to the provision of a golf course. The alternative would provide most, but not all, of the amenities that would be provided under the Project. Since fewer amenities would be provided, the alternative would not offer the same accessibility to recreational opportunities. Consequently, objectives A-1, A-6 through A-8, and A-12 would be partially attained/not attained to the same extent as under the Project.
- Objectives A-5 and A-16 involve economic issues. As previously discussed, the alternative would result in a substantially increased amount of non-residential floor area compared to the Project and accordingly would generate more primary jobs, thus generating tax revenue and economic benefits. However, the alternative was determined not to be financially feasible. Therefore, while A-5 would be attained, A-16 would not be attained by the Reduced Residential/Increased Commercial Alternative.
- Objective A-9 relates to the City's housing needs, which are addressed in detail above with respect to LA-4. As previously concluded, the alternative would not meet the City's housing needs to the same extent as the Project due to the provision of comparatively fewer residential units. In addition, the alternative's reduced number of units may result in a narrower range of available prices/rents on the Project site, which would not be able to meet the needs of all segments of the community. As such, the alternative would only partially attain A-9.
- Objectives A-2 and A-3 involve the protection of natural habitat. These objectives would only be partially attained or attained to a lesser extent than the Project, since this alternative would not focus on the preservation of natural habitat to the same extent.
- In summary, the Reduced Residential/Increased Commercial Alternative would achieve most of the Project objectives but would not attain two of them: LA-10 and A-16. Sixteen objectives (GP-2, GP-3, LA-2 through LA-4, LA-8, A-1 through A-3, A-6 through A-12) would be met to a lesser degree than the Project. Overall, the alternative would not meet the Project objectives as well as the Project.

Failure to Satisfy Key Goals and Policies of the General Plan

- In December 2010, the City adopted an updated General Plan, which was only in draft form at the time the City first approved the Project and certified the original FEIR. As with the Project objectives, the City's General Plan contains goals and policies regarding financial impacts and economic development. Those policies are key to the City, especially considering the financial strains it is currently undergoing. The Project is fully consistent with the applicable goals and policies of the updated General Plan. Although the Reduced Residential/Increased Commercial Alternative would be consistent with many of these City goals and policies, it not meet several key goals and policies. The June 8, 2012 Memorandum from Stephanie Eyestone Jones to Gina Gibson, "Lytle Creek Ranch Specific Plan – Supplemental Alternatives Analysis" contains a detailed analysis of this alternative's consistency with the goals and policies of the General Plan.
- The Reduced Residential/Increased Commercial Alternative would be inconsistent a key City economic goal identified in the General Plan, Goal 2-7, to "encourage all

annexations that will provide a benefit to the City" because this alternative would not be financially feasible.

- This alternative also would be inconsistent with Policy 2-8.1 ("promote neighborhood identity and preservation of individual neighborhood character by preserving or creating neighborhood gateway features"), Goal 2-10 ("create distinctive gateways at all entry points into Rialto and for individual districts or neighborhoods"), Policies 2-10.1 to 2-10.3 ("continue the use of monument signs at focal points within the community and at major and minor gateways. Establish unified entry treatments at major entries into the City;" "design and implement themed landscape treatments near freeway off- and on- ramps to announce entry into Rialto;" and "encourage new and established neighborhoods to provide ground signs and landscaping at a major street entrance to reinforce their identity," respectively), and Policy 2-12.5 ("maximize potential pedestrian connections through the use of highly visible gateways, walkways, and directional signs and the installation of traffic-calming devices where appropriate") due to the lack of neighborhood monumentation or definition and related features under this alternative. Policy 2-14.1 ("protect views of the San Gabriel and San Bernardino Mountains by ensuring that building heights are consistent with the scale of surrounding, existing development") also would not be met by the Reduced Residential/Increased Commercial Alternative.
- The Reduced Residential/Increased Commercial Alternative would be inconstant with Policy 2-2.1 ("prevent strip commercial development and other inappropriate land uses such as industrial or logistics on Riverside Avenue.") and Goal 2-35 ("reduce air pollution emissions from both mobile and stationary sources in the City") due to the increased amount of non-residential, and particularly light industrial uses, that would be developed in the Project area under this alternative. To summarize, the Residential/Increased Commercial Alternative would be inconsistent with Policy 2-2.1, Goal 2-7, Policy 2-8.1, Goal 2-10, Policy 2-10.1, Policy 2-10.2, Policy 2-10.3, Policy 2-12.5, Policy 2-14.1, and Goal 2-35.

Additional Environmental Impacts Resulting from the Selection of this Alternative:

Under the Reduced Residential/Increased Commercial Alternative, the introduction of 6,187,698 additional square feet of light industrial uses beyond that allowed under the Project would result in the increased transport, storage, use, consumption, and disposal of hazardous materials and wastes in proximity to existing and proposed residential areas. Although existing laws and protocols govern the use, storage, transport, and disposal of those materials, based on the substantial increase in the industrial square footage and the presence of sensitive receptors, hazardous material impacts would likely be elevated to a level of significance.

The additional industrial development would likely also result in increased emissions of greenhouse gasses (GHGs). Thus, this alternative may be less able to meet the objectives of AB 32 as compared to the Project. This alternative would also site industrial uses adjacent to residential communities and would include the placement of industrial uses in Neighborhoods I and III, which could result in land use compatibility concerns as well as increased noise and air quality impacts that may affect the proposed on-site residential uses in those Neighborhoods. The light industrial uses would introduce additional parking, requiring additional night lighting due to extended hours of operation; therefore, greater impacts would be anticipated with regard to aesthetics. Because light industrial uses would generally require increased impermeable areas as compared to the Project, the volume of stormwater runoff would be expected to increase as well.

Conclusion: Under CEQA, where an EIR has identified significant environmental effects that have not been mitigated or avoided, the lead agency may nonetheless approve the Project if it finds that "[s]pecific economic, legal, social, technological, or other considerations... make infeasible the mitigation measures or alternatives identified in the environmental impact report."[22] In such a situation, the lead agency's task with respect to project approval must include an evaluation as to whether the identified alternatives are "actually feasible."[23] CEQA defines "feasible" as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors."[24] An agency "may reject [project] alternatives if it properly finds them to be infeasible for **any** of the statutorily specified reasons, including economic infeasibility."[25] In addition, an agency may reject project alternatives for being inconsistent with project objectives, or for conflicting with or inadequately accommodating agency planning goals and policies. Substantial evidence in the record demonstrates that the Reduced Residential/Increased Commercial Alternative is infeasible.

5) Under CEQA, alternatives should avoid or substantially lessen any of the significant and unavoidable impacts of the Project under evaluation. Substantial evidence demonstrates that the Reduced Residential/Increased Commercial Alternative would fail to do so. It would not avoid or substantially lessen the Project's significant and unavoidable air quality, noise, and growth inducing impacts. Furthermore, the Reduced Residential/Increased Commercial Alternative would actually result in additional significant impacts beyond those identified for the Project, including a significant noise impact to an additional roadway segment on Riverside Avenue (between Sierra Avenue and Alder Avenue), as well as potentially significant hazardous materials and GHG impacts.

6) An alternative may be found infeasible on economic grounds, so long as that finding is supported by substantial evidence. The feasibility question is "whether the marginal costs of the alternative as compared to the cost of the Project are so great that a reasonably prudent property owner would not proceed with the [alternative]."[26] Here, the evidence demonstrates that the Reduced Residential/Increased Commercial Alternative would be financial infeasible. CBRE Consulting's Updated Financial Feasibility Analysis included in Appendix V-E of the RPDEIR, and the addendum to that report, included as Appendix B to the June 8, 2012 Memorandum from Stephanie Eyestone-Jones to Gina Gibson, Lytle Creek Ranch Specific Plan – Supplemental Alternatives Analysis," indicates that an IRR of 15 to 25 percent would be the threshold at which the Project or any alternatives, including the No Project/Existing Zoning Designations Alternative would be considered financially feasible. As discussed above, the Project would yield a rate of return of approximately 15.2 percent and is therefore feasible. This alternative would result in an IRR of only approximately 8.6

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22 Public Resources Code, § 21081, subdivision (a)(3); CEQA Guidelines, § 15091, subdivision (a)(3).

23 California Native Plant Society v. City of Santa Cruz (2009) 177 Cal.App.4th 957, 981.

24 Public Resources Code, § 21061.1; see also CEQA Guidelines, § 15364 (defining feasible as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors").

25 The Flanders Foundation v. City of Carmel-by-the-Sea (2012) 202 Cal.App. 4th 603, 622.

26 Id.

percent. This alternative would not attract the necessary equity capital at that IRR, and is therefore financially infeasible.

7) An alternative may also be found infeasible if it is inconsistent with the Project Objectives. Key Project Objectives identified by both the Lead Agency and the Applicant involve fiscal and economic concerns. The City is currently facing one of its most challenging budget cycles in its history. Revenues have decreased while expenditures have significantly increased. The City cannot continue to operate long term with a structural deficit in the General Fund. Accordingly, it is key to the City that new development projects be financially feasible. Under CEQA, an agency may find an alternative to be infeasible for failing to meet a Project Objective that the development be economically feasible.[27] As the Updated Financial Feasibility Analysis and associated addendum demonstrate, the Reduced Residential/Increased Commercial Alternative would be financially infeasible and would not attain Project Objectives LA-10 ("private development activities should be deemed by the City to be fiscally prudent") and A-16 ("undertake development of the Project site in a manner that is economically feasible and balanced to address both the Applicant's and the City's economic concerns").

8) The City may also reject "an alternative that 'is impractical or undesirable from a policy standpoint" as infeasible, so long as that finding is supported by substantial evidence.[28] As summarized above and discussed in detail in the June 8, 2012 Memorandum from Stephanie Eyestone-Jones to Gina Gibson, Lytle Creek Ranch Specific Plan – Supplemental Alternatives Analysis," the Reduced Residential/Increased Commercial Alternative would be inconsistent with several key City goals and policies in the General Plan.

For the foregoing reasons, based on substantial evidence in the record, the City Council finds that the Reduced Residential/Increased Commercial Alternative is infeasible and rejects it in favor of the Project.

7.0 STATEMENT OF OVERRIDING CONSIDERATIONS

7.1 Introduction

The City is the Lead Agency under CEQA for preparation, review and certification of the Complete FEIR for the Lytle Creek Ranch Specific Plan Project. As the Lead Agency, the City is also responsible for determining the potential environmental impacts of the Project and which of those impacts are significant, and which can be mitigated through imposition of mitigation measures to avoid or minimize those impacts to a level of less than significant. CEQA then requires the Lead Agency to balance the benefits of a proposed action against its significant unavoidable adverse environmental impacts in determining whether or not to approve the Project. In making this determination the City is guided by CEQA Guidelines Section 15093 which provides as follows:

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27 Association of Irritated Residents v. County of Madera (2003) 107 Cal.App.4th 1383, 1399-1401.

28 California Native Plant Society v. City of Santa Cruz (2009) 177 Cal.App.4th 957, 1001.

(a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks in determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable".

(b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.

(c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

In addition, Public Resources Code Section 21081(b) requires that where a public agency finds that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in an EIR and thereby leave significant unavoidable effects, the public agency must also find that overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects of the project.

Pursuant to Public Resources Code Section 21081(b) and the State CEQA Guidelines Section 15093, the City has balanced the benefits of the Project against the following unavoidable adverse impacts associated with the Project and has adopted all feasible mitigation measures with respect to these impacts. The City also has examined alternatives to the Project, none of which attains most of the Project objectives, would be feasible or would be environmentally preferable to the Project for the reasons discussed in Section 6.0 of these Findings and Facts in Support of Findings.

The City Council having reviewed the Complete FEIR for the Lytle Creek Ranch Specific Plan Project, and reviewed all written materials within the City's public record and heard all oral testimony presented at public hearings, adopts this Statement of Overriding Considerations, which has balanced the benefits of the Project against its significant unavoidable adverse environmental impacts in reaching its decision to approve the Project.

7.2 Significant Unavoidable Adverse Environmental Impacts

Although most potential Project impacts have been substantially avoided or mitigated, as described in Section 5.0 of these Findings and Facts in Support of Findings, there remain some Project and cumulative environmental impacts for which mitigation to a less than significant level is not feasible. For some impacts, mitigation measures were identified and adopted by the Lead Agency, however, even with implementation of the measures, the City finds that the impact cannot be reduced to a level of less than significant. For other impacts, no feasible mitigation measures were identified and no feasible alternatives were identified that would avoid or minimize these impacts. The impacts and alternatives are described below and were also addressed in the Findings.

The Complete FEIR identified the following unavoidable adverse impacts of the Project, and adopted findings for these impacts in Section 4.0 of these Findings and Facts in Support of Findings:

- **Air quality** (Impacts 7-1, 7-2, 7-4, and 7-7 through 7-10). Based on the size of the Project, and the current practices used in the building industry to grade and construct homes, no feasible mitigation measures exist to reduce construction term air emissions to below a level of significance. While measures such as requiring a substantial reduction in the size of the Project, imposing severe constraints on the number of acres to be graded during any single daily period, limiting the number of dwelling units and non-residential space to be painted each day, or restricting the square footage of areas that could be paved on a daily basis, might reduce construction air emissions, they are not feasible given the amount of acreage required to be graded, the amount of time it would take to build out the Project, and being able to construct in an efficient manner. Similarly, during the Project's operations, based on the number of vehicle trips generated by each of the proposed on-site residential and non-residential land uses, mobile source emissions will remain significant.

  With respect to potential impacts to on-site residential uses from off-site sources of toxic air contaminants, although mitigation is recommenced which would substantially reduce exposure by on-site receptors to carcinogens, air quality impacts would, however, remain significant and unavoidable. The Project's recommended mitigation measures will not adequately mitigate for the Project's projected exceedance of the SCAQMD's suggested threshold of significance standards for construction-term carbon monoxide (CO), oxides of nitrogen (NOX), particulate matter less than 10 microns (PM10), particulate matter less than 2.5 microns (PM2.5), and volatile organic compound (VOC) emissions. Any Project that would individually have a significant air quality impact would also be considered to have a significant cumulative air quality impact. In addition, the Project's recommended mitigation measures will not adequately mitigate for the Project's projected exceedance of the SCAQMD's suggested threshold of significance standards for operational VOC, CO, PM10, PM2.5, and NOX emissions. Because the South Coast Air Basin is currently classified as non-attainment for ozone (O3) PM10, and PM2.5, the Project, in combination with other related projects, could contribute to an existing or projected air quality exceedance within the air basin.

  Localized modeling shows that site construction would result in a substantial increase in certain criteria pollutants (≥10.4 micrograms per cubic meter [µg/m3] of PM10 and PM2.5 averaged over a 24-hour period). In accordance with the SCAQMD's "Final Localized Significance Threshold Methodology" (SCAQMD, June 2003), emission levels attributable to the Project's construction would not appear to comply with the "Final 2007 Air Quality Management Plan" (SCAQMD, June 2007) (2007 AQMP). Based on the identified threshold of significance criteria, non-compliance with the 2007 AQMP would be deemed a significant environmental effect.

- **Noise** (Impacts 8-2 and 8-6). With respect to off-site traffic, the Project would contribute a maximum noise level increase of 4.4 dBA along roadway segments adjacent to the Project Site. Mitigation is recommended to reduce the off-site traffic noise to new developments along most roadway segments adjacent to the Project site to a less-than significant level. Because of driveway configuration and orientation of existing residences, in combination with existing legal constraints (such as reducing speed limits, constructing traffic calming devices such as speed bumps or traffic circles), there are no

feasible mitigation measures for sensitive receptors located along Riverside Avenue (between Alder Avenue and Locust Avenue) and along Country Club Drive (north of Riverside Avenue). Off-site traffic noise levels would, therefore, result in a significant and unavoidable impact for the existing residents located along those roadway segments. In addition, because the Project's contribution exceeds 3.0 dBA community noise equivalency level (CNEL), off-site traffic noise levels would result in significant and unavoidable cumulative impacts for sensitive receptors located along Riverside Avenue (between Alder Avenue and Locust Avenue) and along Country Club Drive (north of Riverside Drive).

- **Growth inducement** (Impact 15-1). Growth in an area may result from the removal of physical impediments or restrictions to growth, as well as the removal of planning impediments resulting from land-use plans and policies. Planning impediments may include restrictive zoning or general plan designations. The land-use policy changes described herein would contribute, either directly or indirectly, to substantial population growth in the general Project area. As a result, this growth-inducing impact is deemed to be significant; however, CEQA notes that "[i]t must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment" (14 CCR 15126.2[d]). As set forth below, the City has determined that, in this case and based upon its policy objectives as to development of its sphere of influence, that the growth attributed to this Project would be desirable and a benefit to the City.

7.3 Overriding Considerations

The City, after balancing the specific economic, legal, social, technological, and other benefits of the Project, has determined that the unavoidable adverse environmental impacts identified above may be considered acceptable due to the following specific considerations, each of which separately and independently outweigh the unavoidable, adverse environmental impacts of the Project, each of which standing alone is sufficient to support approval of the Project, in accordance with CEQA Section 21081(b) and CEQA Guideline Section 15093.

1. **New Master-planned Community Consisting of 51% Open Space and Housing Diversity.** The Project provides a master-planned community that incorporates "green" building techniques designed to conserve energy and water, and promote conservation of both materials and natural resources. The mix of uses proposed under the LCRSP includes the El Rancho Verde public golf course that will be surrounded by a new active adult community for those 55 years and older. The Project will set aside approximately 51% or 1,253.8 acres as open space. A minimum of 829.2 acres of the 1,253.8 acres will be preserved in its existing natural habitat as part of the Project's Open Space and Conservation Plan. The Project also provides flood control improvements along Lytle Creek which will provide flood control protection for both new as well as existing development.

2. **New Northern Gateway to the City.** The Project development provides a new northern gateway to the City which will identify Rialto and serve as a community landmark. The gateway design will include an iconic representation of the Rialto Bridge near the Sierra Avenue/Riverside Avenue intersection to help increase the visibility of the City to the public and residents. In addition, to this new gateway, the Project will improve and enhance road and landscaping along Glen Helen Parkway, Riverside Avenue, Sierra Avenue/Lytle Creek Road, and Country Club Drive.

3. **Park and Recreation Facilities.** The Project will provide the following park and recreation improvements:

- 21 acres of neighborhood parks;
- 23.5 acres that will be developed as a "Grand Paseo," a publicly-accessible greenbelt that will vary in width from between 70 feet and 100 feet and contain picnic areas, seating, and landscaping;
- A more than $27 million, 35.7-acre Sports Park Facility containing soccer field and baseball diamonds, playgrounds and picnic areas that will be dedicated to the City;
- 10.0 acres devoted to private recreation centers (two 3-acre recreation centers with swimming pools and one 5-acre recreation center with swimming pool and water play area for children);
- 3 acre Active Adult recreation center (this will be a private facility for the Neighborhood II Active Adult community homeowners); and
- 27.2 acres of linear open space/recreation land, trails and walkways.

In addition the Project also provides for a redesigned El Rancho Verde golf course.

Under State law, the Quimby Act, Cal. Gov't Code Section 66477 and Rialto Municipal Code Section 17.23, new residential development projects are required to provide neighborhood and community recreational facilities at the rate of 3.0 acres for each one thousand persons residing within the Project. Based upon application of its population factor of 3.153 persons/household for this Project, the City determined that the required parkland for the Project is approximately 80 acres. In reviewing the park and recreational amenities provided by the Project, the City determined that the Project should be credited with 113 acres of park and recreation facilities thereby resulting in a surplus of park and recreation facilities of 33 acres over that which is required by State and local park requirements and which provide considerable public benefits to the City and its residents. Even though some facilities will be association-owned and managed for the benefit of the residents of the LCRSP, the provision of private recreation centers helps to reduce the usage of City facilities by new residents. The Sports Park will provide active sports opportunities that will serve the Project and the Rialto community, and will include lighted baseball/softball and soccer/football fields along with parking, restroom and concession facilities. The Sports Park will be improved to City specifications and dedicated to the City at no cost.

In addition to the benefits of providing more park and recreation facilities than what would be required pursuant to the Quimby Act and Section 17.23 of the Rialto Municipal Code, the Project has agreed to provide parks so that they are phased with residential development. The major park and recreation facilities will be provided as follows:

- By the 782nd Certificate of Occupancy in Neighborhood III, the Project will provide one neighborhood park of approximately 3 acres; approximately 7.7 acres of the Grand Paseo; and one of three private recreation areas of approximately 3-4 acres.
- By the 2,347th Certificate of Occupancy in Neighborhood III, the Project will provide one neighborhood park of approximately 3 acres; approximately 7.7

acres of the Grand Paseo; and the second of three private recreation areas of approximately 3-4 acres.

- By the 3,229th Certificate of Occupancy in Neighborhood III, the Project will provide one neighborhood park of approximately 3 acres; approximately 7.7 acres of the Grand Paseo; the third of three private recreation areas of approximately 3-4 acres; and all other park facilities other than the Sports Park.
- By the 4,203rd Certificate of Occupancy in Neighborhoods II and/or III, the Project must provide the Sports Park of approximately 35.7 acres (which may be reduced in acreage if the number of approved units are reduced).

4. **Development Impact Fees.** The Project will pay the applicable City-levied Development Impact Fees for services such as police and fire services, library, and wastewater collection. The fees that will be paid by the Project exceed the amount of current fees than would be levied by the City. The Project will pay fixed fees of $4,040 for each single-family and multi-family residential unit, and fixed fees of $3,040 for each senior housing unit in the active adult community. In addition, the Project will pay per-unit impact fees associated with wastewater treatment and traffic mitigation, as set forth in a Pre-Annexation Development Agreement with the City and Mitigation Measure 6-4(b).

5. **Development Agreement Fee.** The Applicant is entering into a Pre-Annexation Development Agreement with the City and pursuant to that agreement will pay per-unit fees of $1,030 for each single- and multi-family residential unit and $830 for each senior housing unit that is part of the active adult community. These fees will provide $8,073,010 (based upon a 5,476 single- and multi-family residential units and 2,931 senior units, for a total of 8,407 units), which will be paid into the City's General Fund upon approval of the Certificate of Occupancy for each residential unit. The fee may be used by the City for any lawful purpose of the City.

6. **Increased Walkability and Reduced Vehicle Miles Traveled.** In consideration of assisting the City, region and State to meet the goals of AB 32 to reduce greenhouse gas emissions, the Project will assist in reducing vehicle trips by implementing a transportation demand management program as a condition of approval for commercial/industrial development that takes advantage of alternative modes of mass transit within the City, and will encourage pedestrian mobility through the provision of walking paths, signage guiding pedestrians to nearby destinations and through preservation of significant open space to create pleasant environments that encourage walking. The Project also provides improvements on Riverside Avenue that will enhance the pedestrian environment, including bus turnouts, enhanced landscaping and other pedestrian amenities. In addition, the Project provides opportunities for retail and commercial/industrial development which will provide new employment and shopping opportunities close to existing and new residential development.

7. **Sustainable Design.** The Project will make good faith efforts to include sustainable design at a LEED-certifiable level for commercial and industrial uses, and green building standards for residential construction, as provided in the Pre-Annexation Development Agreement. The Project will provide physical linkages between land uses that promote walking and bicycling and provide alternatives to automobile use, and encourage compact development that concentrates residential areas close to public amenities such as schools, parks, retail, golf, recreation centers, and other uses.

8. **Public Schools.** The Project will contribute fees to the school districts for construction of an elementary school and a K-8 school which will benefit both residents within the Project as well as existing residents in the City and in the school districts which cover the Project site and their current school population.

8. **Construction of Traffic Improvements and Payment of Fair Share Fees**. The Project will provide a benefit to the City by constructing a series of identified traffic improvements as set forth in Mitigation Measure 6-4(a) to mitigate the impacts of the Project on various roadways and intersections. In addition, the Project will pay its Fair Share Fees for certain traffic improvements to the City and other jurisdictions to mitigate the impacts of the Project on various roadways and intersections as set forth in Mitigation Measure 6-4(b).

9. **Increased Tax Revenues.** Based upon the Fiscal Impact Analysis prepared for the Project, the development of the LCRSP will result in increased ad valorem real property and sales tax revenues to the City over time.

10. **Implementation of the City's General Plan.** Adoption of the LCRSP will serve to define the types of permitted and conditionally permitted land uses that the City Council believes to be appropriate for the Project site and for the Project setting, define reasonable limits to the type, intensity, and density of those uses, and establish the design and development standards for those uses. Adoption of the LCRSP will serve as a valuable regulatory tool for the systematic implementation of the City's General Plan and will provide for the imposition of reasonable development controls and standards designed to ensure the integrated development of the Project site.

7.4 Conclusion

In conclusion, the City Council has identified economic and social benefits and important public policy objectives that will result from implementation of the Project. These Project characteristics will provide benefits to not only the City and its residents, but members of the public from surrounding cities and the region. The City Council has sought to balance these substantial economic and social benefits against the significant unavoidable adverse environmental effects of the Project. Given the substantial social and economic benefits that will accrue to the City and to the region from the implementation of the Project, the City Council finds that each of the Project's identified benefits separately and independently override the Project's identified significant environmental impacts.